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The Solicitors' Journal.

LONDON, JULY 8, 1876.

CURRENT TOPICS.

THE ANSWER afforded by the Stationery Office to inquiries on Thursday about the new rules of court was that they were "still in the press," and yesterday that they were "not yet published." This time, we believe, the delay in publication does not rest with the printers, but is due to some uncertainty and discussion as to an important suggested rule with reference to the powers of district registrars.

THE EFFORTS of the Council of the Incorporated Law Society to improve the *status* and qualifications of parliamentary agents have at last resulted in the appointment by both Houses of a joint committee to consider the expediency of making further regulations concerning the admission and practice of parliamentary agents. At present, it will be remembered, no examination whatever is required, the only requisite being the recommendation of a member of Parliament, a justice of the peace, or a barrister or solicitor. It is not proposed to interfere with the privileges of the gentlemen at present practising as parliamentary agents, but it is hoped that the committee will see their way to recommending that for the future no persons but those who have passed the tests required for solicitors shall be allowed to act as parliamentary agents. It is often necessary in the course of business before Parliament for the agents to settle documents and to perform duties corresponding to those which in other matters only persons certified to be duly competent are allowed to perform, and if the restriction is found in the interest of the public to be necessary in the one case, it must surely be so in the other. The efforts of the council have extended over a considerable period. A deputation from them waited on the Speaker in February, 1875. Neither from that functionary, nor from the Chairman of Committees in the Lords, did they at that time receive much encouragement, but we are glad to find that a change has come over the views of the authorities, and we trust that the result of the report of the committee may be the settlement of the matter on a satisfactory basis.

THE ATTORNEY-GENERAL, on Monday evening, in answer to a question with reference to interferences by Lord Lieutenants in elections of members of the House of Commons, replied that "he could not say that a Lord Lieutenant, by merely canvassing at an election, would be doing that which is unconstitutional, or be infringing the privileges of the House." This opinion he founded on the terms of the resolution of 1802, which he read to the House, and which declared it "a high infringement of the liberties and privileges of the Commons . . . for any Lord Lieutenant . . . to avail himself of any authority derived from his commission to influence the election of any member." The terms of this standing order obviously point to the construction which the Attorney-General put upon them, for it does not prohibit Lord Lieutenants from concerning themselves with elections, and it is worthy of notice that it was substituted for a standing order which contained this prohibition. In early times the Lord Lieutenants seem to have claimed a right to nominate one member for every borough within their districts (see Heywood on County Elections, p. 55 note), and even after this claim was given up these officials attempted to exercise influence in elections. In 1700 the House, on complaints being made of interference in an election at Huntingdon, resolved "that for any peer or Lord Lieutenant of any county to *concern themselves* in the elections of members to serve for the commons in Parliament is a high infringement of the liberties and privileges of the Commons of England." This resolution was repeated at the commencement of every session as a standing order up to 1802, the time of the substitution of the order before referred to; and that it was not allowed to remain a dead letter appears from the case of Southampton in 1780, when the House, upon complaint that the Duke of Chandos, a peer and Lord Lieutenant, had written letters to voters soliciting votes, referred the matter to the Committee of Privileges, who reported that "the Duke of Chandos, a peer of Parliament and Lord Lieutenant of the county of Southampton, has concerned himself in the late election of a knight of the shire for the said county. It is the opinion of this committee that the said Duke of Chandos has been guilty of a breach of the privileges of this House, and an infringement of the liberties and privileges of the Commons of Great Britain."

THERE APPEARS to be an impression abroad that lawyers are making too much money. While it is admitted that in every other profession the rate of payment is, in the long run, regulated by circumstances beyond the control of the members, it seems to be supposed that, in some occult way, the remuneration of the legal profession is kept at an artificially high level. No one would dream of regulating by Act of Parliament the fees of surveyors or the per-centage of architects, and no patient would think of writing to the newspapers to complain that Sir W. Gull's fee for visiting him was large, or that for a long and complicated case of illness the local doctor's bill was heavy; but there are numbers of persons ready from time to time to uplift a cry to Parliament to save them from lawyers' bills, and to lay before the public the charges they have had to pay. The result, when the matter is investigated, is simply to show that either high skill and reputation or great labour command a high rate of remuneration. The fact is that in the legal as in every other profession the scale of pay bears some proportion to the skill and labour bestowed and the responsibility involved. When the Land Transfer Bill was passing through Parliament the Lord Chancellor stated that in hundreds of cases every year in the neighbourhood of Birmingham small plots of land were conveyed by solicitors as sites for cottages; and he had heard of cases in which the whole law costs charged by the solicitors varied between 15s. and 30s. From these charges to those with reference to which Mr. Bruce Pryce wrote to the *Times* on Saturday last, the step may seem a long one; in reality, however, it corresponds to the difference between the doctor's bill for a single visit to a simple case and for a long series of attendances on a difficult case. The cottager's deed is prepared in about two hours from a common form; an agricultural lease, such as it appears Mr. Pryce desired to have (the lease he sent as a model is stated to have contained eighty-one folios, and to have covered six skins of parchment), requires careful and laborious preparation—copies have to be made and sent for the approval of the parties, discussion ensues; the time of the solicitor is taken up, and numerous small items add up to a con-

siderable total. At the same time we are not surprised that Mr. Pryce's tenant grumbled at the £23 he had to pay for his lease. It has always seemed to us that there is considerable hardship in the practice which so generally prevails of the lessee paying the whole costs of the lease, and sometimes even the costs both of lease and counterpart. The case of a purchase deed is not analogous, for the great bulk of the lease is usually composed of provisions intended for the benefit of, and to be taken advantage of by, the landlord. It would certainly be fairer if landlord and tenant were to divide the costs of lease and counterpart.

Although the 1st of July, 1876, has passed, the Trade-Marks Registration Act Amendment Bill has not yet become law. It was considered in committee of the House of Commons on Thursday last, but inasmuch as it was altered at that stage as hereinafter mentioned, some time must elapse before it receives the Royal assent. Meanwhile, the state of things is this: Any evil-minded person can with impunity pirate a trade-mark, because the Act of last session enacts that from and after the 1st of July, 1876, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade-mark unless and until it is registered; but not a single mark, as we explained on a previous occasion, has, or could have been registered yet, and this proceeds, not from any fault on the part of the owners, but from the delays in the Register Office. Of course this kind of interregnum will cease as soon as the Bill is passed, but that it should ever have existed is not at all creditable either to the Government or to Parliament. Nor is this the only ground of just complaint which trade-mark owners have at present. The slowness of motion in the Register Office is, we are informed, very grievous. Out of about 8,000 marks that have been sent in only about 1,500 have been advertised, and even assuming that no more applications are sent in, it will take eight months, at the present rate of progress, to complete the advertisements; *ergo*, a fresh extension of time for the coming into operation of the principal Act will have to be conceded next session. The alterations to which we alluded above, as having been made in the Amendment Bill in committee, consist in the abandonment of the clauses, to which we referred last week, for ousting the jurisdiction of the courts in questions touching the registration of trade-marks, and substituting the Commissioners of Patents, or some of them, as the tribunal for those questions. These clauses the Government have wisely consented to drop out of the Bill, to which, as far as it goes, we have now no objection to offer.

A case of *Re Low*, heard before the Chief Judge in Bankruptcy on Monday, affords a useful warning to solicitors who may act for trustees in bankruptcy of the necessity of seeing that their employment is duly sanctioned by the committee of inspection, or approved by the court. Section 29 of the Bankruptcy Act provides that "a trustee shall not, without the consent of the committee of inspection, employ a solicitor," and by r. 116 it is provided that "the taxing officer shall not allow to a trustee any charges for attorney or counsel in attending the court to make any application, unless the sanction in writing of the committee of inspection to their being or having been employed is produced to him, or unless the same has been allowed by the court as necessary." In *Re Low*, a trustee was in the first instance appointed without any committee of inspection. The trustee employed a solicitor, but without obtaining any sanction from the court. Afterwards a change of the trustee took place, and a committee of inspection was appointed, who then sanctioned the employment of the solicitor for the future, and ratified, so far as they could, his previous employment. Notwithstanding this, it was held that upon taxation the solicitor could not be allowed any costs incurred before the committee of inspection had sanctioned his employment.

The new judge of the Birmingham County Court, Mr. Motteram, Q.C., has had a considerable practice, particularly in the neighbourhood of that town, and he is believed by those who know him to be competent to discharge the duties of his office. But we must repeat what we have before said, that the expediency of appointing to county court judgeships practitioners within the district is very doubtful. However upright and conscientious such a judge may be, he can hardly avoid being suspected of partiality towards his friends and former clients.

THE ELECTION OF LOCAL BOARDS.

The case of *The Queen* v. *Collins* (24 W. R. 732, L. R. 1 Q. B. D. 336), recently decided in the Queen's Bench Division, raised a point of importance with regard to the election of local boards of health. The chairman of the local board was made by the Public Health Act, 1848, the returning officer at local board elections, and the chairman had proceeded, in conformity with the 27th section of the Act, to cast up the votes, and had granted his certificate as to who were the successful candidates. On the trial of a *quo warranto* it appeared that the chairman had, first, put down by mistake to one candidate votes which the voting papers showed had been given for another; secondly, omitted to reckon votes; and, thirdly, received as valid votes which were invalid. It was held by the whole court that the certificate of the chairman as to the result of the election might be impeached as to the first and second class of votes; but with respect to the third class of votes, Mellor and Field J.J., held that the certificate was final (Blackburn, J., dissenting on the last point). The view taken by the majority was that the words of the statute sufficiently showed that the chairman was invested with judicial functions, and was made the final judge as to the validity or invalidity of votes. Blackburn, J., thought that, though in some sense and to some extent the functions of the returning officer were judicial, still there was nothing in the Act to show that his decision was to be final.

We are not concerned to express any positive opinion as to whether the decision of the majority or the view taken by Blackburn, J., was right upon the true construction of the statute. It may be remarked, however, that it is rather difficult to follow Mr. Justice Blackburn's idea that the chairman's function can be judicial—*i.e.*, that he is by the statute made the judge, and is to decide in the first instance whether the vote is valid—and yet that his decision is not final. When a statute constitutes a tribunal, and says nothing about an appeal from such tribunal (we do not use the term "appeal" in its technical sense, but as meaning any mode of reviewing the primary decision), the result would appear to be that there is no appeal, and the decision is final. We do not quite understand how there can be an appeal at common law from the decision of the person appointed by statute to decide. But, though this difficulty occurs on principle, there appear to be authorities, in cases decided with regard to municipal corporations, in favour of Mr. Justice Blackburn's view, and with these authorities the majority of the Queen's Bench do not deal, inasmuch as they rely exclusively on the particular provisions of the Public Health Act. Mr. Justice Blackburn says, "No doubt the Legislature may make any tribunal they please the final judges of any matter they please, but I do not think they sufficiently express an intention to make the decision of a returning officer final merely by intrusting him with some powers of a judicial or *quasi*-judicial nature. It is a question in each case on the construction of the particular statute

whether they have done so or not." The learned judge then proceeds to show the inconvenience and injustice that may result from making the chairman's decision final, and to point out that there are no express words declaring that it shall be final. We think the force of this last consideration is very great. If it is to be assumed that there may be an appeal where none is given by statute from a tribunal established by the statute, then the absence of express words stating that the decision shall be final appears to us very strong to show that it was not intended to be final. The insertion of such words is so very obvious, and they are so often inserted in similar cases, that the Legislature would have been almost sure to insert them if they had intended the decision to be final. We do not, however, as we have already observed, purpose in our present observations to put forward any conclusion as to whether the judgment of the majority of the court in the recent case is correct. Our purpose is to discuss, not so much the question what the present state of the law is, as various most important considerations with regard to what the law on the subject ought to be. The Act on which the decision of *The Queen* v. *Collins* turned is repealed by the recent Consolidation Act, but substantially the same provisions have been re-enacted.

We think that whether Mr. Justice Blackburn was right or wrong in the conclusions to which he came, there can be no question as to the evils resulting from the finality of the chairman's decision as to the validity or invalidity of votes. Mr. Justice Blackburn says, "If the local board of health had very unimportant functions to perform it would have been an intelligible policy to prevent litigation by making the decision of the chairman, even though likely to be a local partisan, final, though I think the Legislature would have used clearer language if such had been their intention. But the functions of the local board are by no means insignificant." It is in cases where party feeling runs high with respect to some local question of great importance—involving, it may be, conflicting interests on the part of different classes of the owners of property and ratepayers of the district—that an election becomes of the greatest moment. The chairman is pretty sure to be deeply involved in the advocacy of one side or the other, and we have reason to know that, in functions such as these, chairmen of local boards are far from being impartial and judicially minded. It is suggested by the majority of the judges in the Queen's Bench that the Legislature intended the provision for penalties in case of improper conduct by the chairman to be the safeguard against any partiality or injustice on his part. But it does not need much consideration to see that such a safeguard is a very inadequate one. A proceeding for penalties is always a very up-hill game. The sympathy of the court is apt to be on the side of the defendant, and, the proceeding being a criminal or *quasi*-criminal one, the *onus* upon the party proceeding is greater. Moreover the remedy is not complete. What the complaining parties want is redress rather than revenge. Proceedings for penalties lie under a sort of initial stigma as being at best in the nature of a revenge rather than an application for redress. It is very difficult, too, if the chairman's functions are judicial to see how the sections as to penalties can be successfully applied to him for acts done in his judicial discretion. A chairman may be guilty of a great deal of very effective partiality and corruption and yet steer clear of any danger of being made liable for penalties. Whatever the law may actually be, it is manifest that it is not right that the chairman, being naturally likely to be a partisan, should be left entirely master of the situation.

But a consideration comes in here, to which we think the conclusions at which the majority of the judges arrived were mainly due. The only mode of upsetting an election of this kind, according to the present law, is by a *quo warranto* information. Now, that is a remedy of a notoriously cumbrous and expensive character. Mr. Justice Mellor and Mr. Justice Field seem to have been strongly impressed by the expediency of preventing the terrible expense and delay arising out of litigation by way of *quo warranto*. They stated that their view was that "the Legislature intended to circumscribe the litigation likely to arise in the election of these temporary officers, and to prevent the title of voters from being inquired into by the expensive proceedings in *quo warranto*." This is, no doubt, a very important consideration. It is desirable that persons of ability and public spirit, who would otherwise come forward and charge themselves with laborious offices gratuitously for the good of the public, should not be deterred by the fear of being subjected to ruinous litigation. On the other hand, we cannot quite agree with the suggestion conveyed by the word "temporary." It is true the office is temporary, but the result of what is done during the year of office is not temporary. A question may be decided of the utmost importance to the permanent welfare of the place, or at least to the permanent interest of some class of voters.

It seems to us that the matter is of sufficient importance to be made the subject of legislative provision. We see no reason why some cheap, speedy, and effective machinery should not be provided for reviewing the decision of the chairman with regard to the result of an election. Why should not provision be made for a local inquiry on petition to the Local Government Board by some person appointed by that Department *pro re natâ*, either one of their inspectors or an independent person (as, for instance, a barrister or a solicitor) acquainted with legal principles, and having no connection with the district in which the inquiry is to be made? There is more involved than the mere questions which depend on the success of one of the two rival parties at the election, important as these questions may be in the district. It is a thing *pessimi exempli* in any place that corruption or partiality on the part of local officials should remain triumphant and unredressed. So very much depends on our system of local self-government, and the natural tendency of all local bodies towards jobbery and corruption is so strong, that it is of the greatest importance that there should be some higher authority vested with power to control the judicial discretion of local bodies and functionaries.

The *Morning Post* states that Mr. Vaughan will be appointed to succeed the late Sir Thomas Henry as chief police magistrate of the metropolis.

The Lord Chief Justice, in the course of his charge to the grand jury at Lewes on Thursday, said that although it was no part of his province to comment upon political or economical questions, still, in reference to a measure now before Parliament—the Prisons Bill—he might be permitted to make a few observations. It appeared to him that it was most important for the administration of justice that there should be a uniform system of discipline carried out in all the gaols throughout the country, but at present this was far from being the case. The judges had no means of knowing the character of the discipline that was carried out in the various gaols wherever they sentenced prisoners to be confined, and in cases where they passed, as the case might be, sentences of twelve or eighteen months' imprisonment, it no doubt occurred that the sentence amounted to one of much greater severity in some cases than in others. There was also this inconvenience: that where the judges were aware of the character of the discipline carried out in a particular gaol, and passed a sentence accordingly, persons who were unacquainted with the facts would imagine that there was a great disproportion in the sentences passed for particular offences; whereas in point of fact sentences of less apparent extent might, from the nature of the discipline and punishment on the particular prisoner be much more severe than a heavier sentence of imprisonment in the gaol of another county. It was of the utmost importance that there should be a uniform system carried out in the administration of justice, and he believed the Bill in question, if carried, would be calculated to effect that object.

The New Practice.

ENTERING JUDGMENT IN DEFAULT IN THE CHANCERY DIVISION.

THE FOLLOWING OFFICIAL STATEMENT has just been issued, and although we gave the substance *ante*, p. 583, we reprint it for the sake of reference:—

I. Judgment in default of appearance may be entered, (1) Where the writ of summons is specially indorsed (under ord. 3, r. 6), ord. 13, rr. 3 and 4; (2) Where it is not specially indorsed, ord. 13, rr. 5, 6, 7, and 8; (3) In actions under the Bills of Exchange Act (18 & 19 Vict. c. 67), ord. 2, r. 6.

Judgment in default of appearance cannot be entered in any action specially assigned to the Chancery Division by the Judicature Act, 1873, s. 34; ord. 13, r. 9.

II. Judgment in default of pleading may be entered in actions for (1) Debt or liquidated demand, ord. 29, rr. 2 and 3; (2) Detention of goods and pecuniary damages, or either of them, ord. 29, rr. 4 and 5; (3) For debt or liquidated demand, and also for detention of goods and pecuniary damages, or pecuniary damages only, ord. 29, r. 6; (4) For the recovery of land, ord. 29, r. 7; (5) And also where the writ for the recovery of land is indorsed for mesne profits, arrears of rent, or damages for breach of contract, ord. 29, r. 8.

Where the plaintiff's claim is for a debt or liquidated demand, or for the recovery of land, the judgment is final; where it is for detention of goods, damages, mesne profits, or arrears of rent it is interlocutory (form 5). In the latter case, after damages, &c., have been ascertained, final judgment can be entered according to form 8 in the schedule. [For the forms mentioned herein see *post*, under the head of "Court Papers."]

I. DEFAULT OF APPEARANCE.—The solicitor applying to enter final or interlocutory judgment in default of appearance must produce:

(1) *The Original Writ.*—If the application is under ord. 13, r. 3 or 4, the special indorsement on the writ should be as provided by ord. 3, r. 6. For the form of such special indorsement, see appendix (A.), part 2, s. 7 (Wilson's Judicature Acts, p. 326), and if the claim is for a debt or liquidated demand only there must also be the indorsement directed by ord. 3, r. 7, as to costs, see appendix (A.), part 2, s. 3 (Wilson, p. 321). If under the Bills of Exchange Act, the writ should be in the special form contained in schedule A. to that effect, and indorsed as therein mentioned. For the forms, see Wilson, pp. 162, 163.

(2) *The Original Affidavit of Service.*—An affidavit of service is required, ord. 9, r. 13, and must show the day on which service was effected, which must be eight clear days, or in cases under the Bills of Exchange Act, twelve clear days before entering judgment. The affidavit must also show the day on which the indorsement of service was made on the writ, and that such indorsement was made within three days at most after service. Ord. 9, r. 13 (Wilson, p. 179). Service of the writ must be personal unless substituted or other service be ordered (ord. 9, r. 2), except in the cases mentioned in rr. 3, 6, and 7 of that order, but in proceedings under the Bills of Exchange Act, an order for leave to proceed, as if personal service had been effected, will be sufficient, Common Law Procedure Act, 1852, s. 17. Upon serving the copy it is not necessary to show the writ itself, unless the defendant asks to see it at the time of service (Chitty's Archbold's Practice, p. 180).

(3) *The Record and Writ Clerk's Certificate.*—This certificate, if the application is under ord. 13, rr. 3, 4, 5, 6, and 7, must be a certificate of no appearance; if under r. 5 (where writ is not specially indorsed), the certificate must also show that the statement of the particulars of the plaintiff's claim to be filed under that rule was filed eight clear days before the day on which the judgment is entered.

The solicitor applying to enter judgment for recovery of possession of part of land under ord. 13, r. 7, must produce the record and writ clerk's certificate of limited appearance, or the notice signed by the defendant or his solicitor which is referred to in ord. 12, r. 21.

R. 5 does not provide for final judgment, and r. 6 does not provide for interlocutory judgment, being entered in default of the appearance of one of several defendants.

In such cases it would seem that the plaintiff should file a statement of claim under ord. 19, r. 6, and in default of pleading proceed under ord. 29, r. 3 or 5, as the case may be.

II. DEFAULT OF PLEADING.—The solicitor applying to enter final judgment in default of pleading, under ord. 29, rr. 2, 3, 7, and 8, or interlocutory judgment under rr. 4, 5, and 8, must produce the record and writ clerk's certificate of appearance, and the statement of claim, unless it appears by such certificate that the defendant did not require a statement of claim to be delivered. If the statement of claim does not show the date of delivery (which must be eight clear days before judgment is entered—ord. 22, r. 1, Wilson, p. 217), the solicitor must indorse such date.

JUDGMENT NOTWITHSTANDING APPEARANCE. — Where, under ord. 14, r. 1, plaintiff obtains an order for liberty to sign judgment notwithstanding the appearance of the defendant, such judgment may be signed according to form 7 in the schedule hereto, upon production of the order duly passed and entered, and without any other evidence. Such order should be in the following form: —"Upon, &c., and upon reading, &c., it is ordered that the plaintiffs be at liberty, notwithstanding the defendant has appeared, to sign judgment in this action against the defendant for the sum of £ , the amount indorsed on the writ of summons (together with interest), and for their costs to be taxed." N.B.—The costs of this order will be included in the costs to be taxed under the judgment.

IN ANY OF THE ABOVE CASES the solicitor should produce two forms of judgment properly filled up in duplicate, according to the forms set forth in the schedule hereto. Where the writ is specially indorsed, interest, if claimed, calculated up to the day of entering judgment, should be added to the amount indorsed on the writ. As no amount has yet been fixed for costs, the judgment at present will be "with costs to be taxed," and the sitting master will tax the costs with or without notice, as the case may require.

The documents above referred to must be produced to one of the principal clerks at the order of course seat, and be examined by him. If found correct, he will mark both copies of the judgment as examined. He will also see that the proper fee stamp (10s.) is affixed to one of such copies. In judgments for default of appearance the affidavit of service, if accepted as sufficient, and in judgments for default of pleading, the statement of claim must be filed by the solicitor in the Record and Writ Clerks' Office, and a note of such filing will be made on the copy judgment to which the fee stamp is so affixed.

The registrar of the day for signing certificates of sale and transfer will then pass the judgment as he would a decree or order by putting his initials to it, and affixing his seal to the duplicate.

The judgment is to be dated as of the day on which the documents are left at the office; ord. 41, r. 3 (Wilson, p. 272), and will be entered immediately at the entering seat. The duplicate must be left with the clerks of entries for the purpose of entry.

When entered in the registrar's book it will be marked with the folio of the entry, indexed, and forthwith transmitted by the clerks of entries to the proper seat in the Record and Writ Clerks' Office, to be recorded.

in the cause-book kept in that office, and to be filed there.

Copies of the judgments so transmitted will be arranged according to the name of the person against whom the judgment is entered. Such copies can be inspected on payment of the proper fee.

Execution on a final judgment or writ of inquiry on an interlocutory judgment will be issued from the Record and Writ Clerks' Office, on producing the judgment duly passed and entered.

Satisfaction must be entered at the Record and Writ Clerks' Office by filing a satisfaction piece in the form prescribed by the general rules of the judges, dated Hilary Term, 1853, section 80, with such modifications as may be proper.

CASES OF THE WEEK.

APPEAL—COSTS—APPEAL FROM LANCASTER CHANCERY COURT—ORD. 58, R. 5.—In a case of *Andersson* v. *Welsby*, heard by the Court of Appeal on the 5th inst., the appeal was brought from a decree made by the Vice-Chancellor of the Lancaster Chancery Court. The appeal was successful, and thereupon the appellant's counsel asked that, in accordance with the ordinary rule now adopted, the respondent might be ordered to pay the costs of the appeal. It was objected on behalf of the respondent that the new rule applies only to appeals from the High Court, and not to appeals from courts which, like the Lancaster Chancery Court, are outside the Judicature Acts. The court (James and Mellish, L.JJ., and Baggallay, J.A.), however, held that the rule applies to all appeals brought to the Court of Appeal, and ordered that the respondent should pay the costs.

APPEAL—EXTENSION OF TIME—DECREE IN CHANCERY ENROLLED—ORD. 58, R. 15.—The same day, in a case of *Allan* v. *United Kingdom Electric Telegraph Company*, application was made to the court for leave to appeal from a decree of the Court of Chancery, made in 1871, which had been enrolled in that court. The Court of Appeal (James and Mellish, L.JJ., and Baggallay, J.A.) held that they had no jurisdiction to entertain the application. So long as the enrolment stood there could be no appeal from the decree except to the House of Lords, just as before the Judicature Acts, and the Lord Chancellor alone could order the enrolment to be vacated. The Court of Appeal had no power to do so.

INSPECTION—PROCESS OF MANUFACTURE—SKILLED WITNESS—ORD. 52, R. 3.—In a case of *Flower* v. *Lloyd*, heard on the same day, which was an action to restrain an alleged infringement by the defendants of the plaintiffs' patent, Vice-Chancellor Bacon had made an order that the plaintiffs should be at liberty to inspect the defendants' process of manufacture. The defendants appealed from this order, and the operation of it was suspended by the Court of Appeal pending the appeal (as noted *ante*, p. 584). The defendants' main objection to the order was that they denied the validity of the plaintiffs' patent, and also asserted that, on its true construction, it did not extend to the process which, as the plaintiffs themselves admitted, was adopted by the defendants, and the defendants urged that their process of manufacture, and possibly their trade secrets, ought not to be disclosed to the plaintiffs, who were rival manufacturers, until these preliminary questions had been determined; and it was suggested that the court should, under ord. 31, r. 19, order these questions to be tried before deciding upon the right to inspection. Ultimately, in place of the Vice-Chancellor's order, an order was made that the inspection should be made by two skilled witnesses (one to be nominated by each side) approved by the court, and for the purpose of informing the court, who were to give evidence at the hearing of the cause, and who were to be considered as bound in honour not to disclose any trade secret of the defendants which might come to their knowledge. Each of the parties was also to be at liberty to nominate one person to accompany the inspectors for the purpose of directing their attention to the material matters. The inspection was to be allowed by the defendants at all reasonable times upon three days' notice.

APPOINTMENT OF RECEIVER BEFORE DECREE—JUDICATURE ACT, 1873, S. 25, SUB-SECTION 8—ORD. 52, R. 4.—Upon an application in an action of *Bull* v. *Cameron* at the Rolls yesterday it was mentioned that the chief clerk in chambers had refused to make an order for a receiver and manager under section 25, sub-section 8, on the ground that it was not the practice for such an order to be made by him before decree, unless by consent. The Master of the Rolls observed that this was quite right, and said that the practice under ord. 52, r. 4, was to apply by motion.

STAYING ACTIONS—TRANSFER—CONSOLIDATION—ORD 51, rr. 2-4.—On the 29th ult. *Dickinson*, Q.C., and *E. Cutler* moved, before Vice-Chancellor Hall, that the actions of *Debenham* v. *Lacey*, *Smith* v. *Whichcord*, and *Evans* v. *Debenham* might be consolidated, or that the said actions might be ordered to come on for trial together. The defendant Lacey was a contractor, who had agreed to execute certain building works for the plaintiff Debenham, and had received part of the money due on the contract. A large portion of the work had been executed by subcontractors, who claimed part of the balance due from Debenham to Lacey under the original contract, and the actions of *Smith* v. *Whichcord* and *Evans* v. *Debenham* were commenced in the Court of Common Pleas and the Exchequer Division of the High Court against Debenham and his architect to enforce these claims, and also certain alleged claims against the architect arising out of the transactions. The action of *Debenham* v. *Lacey* was instituted in the Chancery Division by Debenham and his architect against Lacey, the sub-contractors, and other persons who claimed part of the balance in Debenham's hands, in order to ascertain who was in fact entitled to such balance. Mr. Baron Pollock had made an order in *Evans* v. *Debenham* that the action should be transferred to the Chancery Division, subject to the consent of the president of that division. *W. Pearson*, Q.C., and *Bathurst*, for the plaintiff in *Smith* v. *Whichcord*, submitted that one of the issues in that action was entirely different from those in *Debenham* v. *Lacey*, and that the actions, therefore, ought not to be consolidated. *B. Eyre*, for the plaintiff in *Evans* v. *Debenham*, submitted that no order for consolidation was necessary. The Vice-Chancellor said that Smith seemed to have a claim against Whichcord which was entirely distinct from the issues in *Debenham* v. *Lacey*, and he thought the best plan would be for all the actions to come on together, and to let the evidence in each be used in all. The proper order would be that, Smith undertaking forthwith to give notice to Whichcord to plead in *Smith* v. *Whichcord*, any evidence given in *Debenham* v. *Lacey* or *Smith* v. *Whichcord* might be used in *Evans* v. *Debenham*. As to the last action, all further proceedings would be stayed, except so far as might be necessary to bring it on for trial with the other two actions. One order in all the actions, costs to be costs in the causes.

TRIAL BY JURY—ORD. 36, RR. 3, 4, 26.—On the 22nd ult. *Bristowe*, Q.C., moved *ex parte* before Vice-Chancellor Hall that directions might be given to the registrar to mark the cause of *Swindell* v. *Birmingham Syndicate* as a cause for trial by a judge sitting with a jury; and that it might not come into the list for trial in any other way. The defendants had given notice, under ord. 36, r. 3, that they desired to have the cause tried in that manner, and on the 27th of May they had applied to have certain issues so tried, but his lordship had dismissed the application on the ground that there were mixed questions of law and fact, and it would be premature to direct issues until the case was gone into on the hearing. The defendants now, however, submitted that having given the required notice they were, as a matter of right, entitled, under ord. 36, r. 3, to have the action tried by a jury. The Vice-Chancellor said that acting under ord. 36, r. 26, he considered it a case proper to be tried before himself without a jury, and refused the application.

On the same day a somewhat similar point was raised

in the case of *Row* v. *Jacob*, in which *A. Bayley*, for the plaintiff, moved to rescind a notice given by the defendant, under ord. 36, r. 4, for the action to be tried before a jury. The action was for damages, and *Freeling*, for the defendant, contended that it could not have been tried without a jury, except by consent, under the old practice, and, therefore, that the judge had no discretion, under ord. 36, r. 26, to order any other mode of trial. After some argument the case stood over, the Vice-Chancellor saying that in the event of the plaintiff being held entitled to damages they might be assessed either by a jury or in some other manner.

VOID DECREE BY DISTRICT REGISTRAR—PARTNERSHIP ACCOUNTS—RECEIVER APPOINTED BY NAME—ACCOUNTS AND INQUIRIES DIRECTED IN DISTRICT REGISTRY—JUDICATURE ACT, 1873, s. 66—ORD. 33; ORD. 40, R. 11.—In the case of *Brassington* v. *Cussens*, recently before Vice-Chancellor Hall, questions arose similar to those in *Irlam* v. *Irlam* (24 W. R. 292). The writ was issued from the Manchester registry in December, 1875, and claimed an account of partnership dealings and dissolution of partnership. On the 28th of February last the district registrar at Manchester made by consent a decree directing accounts and inquiries, varying slightly from the usual partnership accounts and inquiries. He also by consent subsequently ordered a sale, and appointed a receiver of the partnership property, although doubtful whether he had power to do so. On the accounts being filed he declined to proceed any farther without the direction of the judge to whose court the action was attached. *Mulligan*, for the plaintiff, therefore moved before Vice-Chancellor Hall, on the 24th of April, for directions as to how the cause should farther proceed, and submitted that the decree and orders made by the district registrar, and all the proceedings thereunder, were invalid. The Vice-Chancellor said that was the case, and directed the plaintiff to give notice to all parties of his intention to move for such decree or order as he considered himself entitled to, beginning afresh as from before the decree. Notice of motion having been given, *Mulligan*, on the 29th ult., moved, under ord. 33, and ord. 40, r. 11, for an order directing the usual partnership accounts and inquiries. He also asked that they should be taken in the Manchester district registry under section 66 of the Judicature Act, 1873, and suggested that the order should be in the form made by the district registrar, although it differed slightly from the ordinary form; and that further consideration should be adjourned in the words adopted in *Bennett* v. *Moore* (24 W. R. 690, L. R. 1 Ch. D. 692). By consent of the defendants, for whom *Cooper Willis* appeared, he also asked that the person whom the district registrar had purported to appoint as receiver should be appointed receiver by the court by name. The Vice-Chancellor said the order must be in the usual form, but the accounts and inquiries might be taken in the district registry at Manchester. He also adjourned further consideration in the form suggested, and appointed the receiver by name.

At the assizes at Salisbury there were no civil causes for trial, and the calendar contained the names of two prisoners only, the smallest number, says the *Times* reporter, that has ever been tried at these assizes.

On Monday in the House of Commons the Attorney-General, in answer to Colonel Naghten, said there was a resolution of the House relating to interferences of Lord Lieutenants with elections. It ran thus:—"That it is a high infringement of the liberties and privileges of the Commons of the United Kingdom for (*inter alios*) any Lord Lieutenant or Governor of any county to avail himself of any authority derived from his commission to influence the election of any member to serve for the Commons in Parliament." If, therefore, a Lord Lieutenant availed himself of the authority derived from his commission to influence an election he was guilty of an unconstitutional act and a breach of privilege. He could not say, however, that a Lord Lieutenant, by merely canvassing at an election, would be doing that which is unconstitutional or be infringing the privileges of the House.

Notes.

ON MONDAY, the 3rd inst., the question as to the rights of an execution creditor against a compounding debtor, which was discussed in *Ex parte Jones* (23 W. R. 886, L. R. 10 Ch. 663), was again brought before the Chief Judge under slightly different circumstances in a case of *Re Balbirnie*, and the decision appears to throw some light upon the principle of the decision in *Ex parte Jones*, the effect of which seems to have been somewhat misapprehended. In *Ex parte Jones* a creditor had delivered a writ of *fi. fa.* to the sheriff before the debtor filed his liquidation petition. The sheriff levied execution after the filing of the petition, but before the first meeting of the creditors. An injunction was then obtained restraining the execution creditor from proceeding with his execution until after the first meeting. At the first meeting the creditors resolved to accept a composition, and this was confirmed at the second meeting. Under these circumstances, both the Chief Judge and the Court of Appeal held that, after the registration of the resolutions, the execution creditor was entitled to enforce his execution against the goods of the debtor. The judgment of the Court of Appeal was based on the fact that in a composition there is no relation back of the title of a trustee as there is in a bankruptcy or a liquidation. In either of those cases the title of the trustee would have related back, at any rate to the date of the filing of the petition, and would thus have overreached the title of the execution creditor, who did not become a secured creditor until the sheriff had seized, inasmuch as the delivery of the writ to the sheriff, though binding the goods as against the debtor, yet did not constitute a security upon his property within the meaning of the Bankruptcy Act, as was held in *Ex parte Williams* (20 W. R. 430, L. R. 7 Ch. 314). But when a composition had been accepted the goods remained the goods of the debtor, and as the seizure took place, and the security was thus perfected, before the composition was resolved upon, the creditor was entitled to enforce his execution against the debtor's property, the other creditors having no rights as against his estate. It seems to have been very generally supposed that the decision in *Ex parte Jones* depended upon this—that the writ had been delivered to the sheriff before the filing of the petition, and it seems to have been assumed as a consequence, that, in any case where this had been done, and a composition afterwards resolved upon, it was wholly immaterial at what date the seizure was made, and that it might even be made after the registration of the resolutions. The decision in *Re Balbirnie* shows that this view is erroneous. In that case an execution creditor had lodged his writ with the sheriff before the debtor filed his petition. The creditors resolved to accept a composition, and after the resolution had been registered the sheriff seized under the writ. It was contended on behalf of the execution creditor that according to *Ex parte Jones* the delivery of the writ to the sheriff before the filing of the petition was sufficient to entitle the creditor at any time afterwards to enforce his execution against the debtor's goods. The Chief Judge, however, held that, though the composition resolution left untouched the rights of a creditor who held a security on the debtor's property at the time when it was passed, there was no ground for saying that an execution creditor held any security until the sheriff had seized under the writ. Consequently the creditor whose execution had not been levied by seizure before the first meeting was bound by the composition resolution, and could not afterwards enforce his writ.

THERE WAS ANOTHER POINT in *Re Balbirnie* which did not arise in *Ex parte Jones*—viz., that the execution creditor proved his debt at the second meeting for the full amount, and voted in favour of the composition, and the Chief Judge held that by so doing he forfeited any security which he held, just as he would have done in a case of bankruptcy or liquidation.

IN A CASE of *Re Bennett*, heard the same day, the question arose whether the power given by sections 96 and 97 of the Bankruptcy Act of 1869 to the court, on the application of the trustee, to summon a bankrupt for examina-

tion as to his dealings or property, applies to a case of liquidation by arrangement. A liquidating debtor summoned in the Leeds County Court for examination under these sections refused to answer, and the judge made an order that he should be committed for contempt. An appeal was then brought to the Chief Judge, and he held that before any such summons could issue it must be shown that, within the meaning of r. 301 of 1870, the debtor had made default in giving information to the trustee with reference to his debts and assets. There was no evidence of this in *Re Bennett*, and the matter was accordingly referred back to the county court.

In a case of *Anderson* v. *Welsby*, decided by the Court of Appeal on the 5th inst., an important question arose with regard to the position of sheriffs and their officers in cases where conflicting claims are made to goods seized under an execution. The facts were briefly these:—Judgment was recovered against one Anderson in the Liverpool Court of Passage, and a writ of *fi. fa.* was delivered to the sergeant-at-mace of the borough of Liverpool (who stands with reference to the Passage Court in the same position as the sheriff does with regard to the High Court), under which Parker, one of his officers, seized certain furniture in the defendant's house. Thereupon notice was given to Parker, on behalf of the trustees of a settlement which had been made of the furniture for the benefit of the defendant's wife and children, that the furniture had been settled and was not the property of the husband. The sergeant-at-mace then issued an interpleader summons, upon which an order was ultimately made by the Passage Court adverse to the trustees, in obedience to which Parker sold the furniture which he had seized. Before he did so, another notice was served on him by the wife's solicitor, warning him not to sell the furniture, and informing him that a bill was about to be filed in the Lancaster Chancery Court to carry out the trusts of the settlement, and to restrain the sale. After the sale a bill was filed by the wife, by her next friend, against the trustees, the husband, and Parker, and it prayed (*inter alia*) that Parker might be ordered to make good the loss which the plaintiff had sustained by the sale. The Vice-Chancellor made a decree for the execution of the trusts of the settlement, and ordered (*inter alia*) an inquiry whether the sale had occasioned any damage to the trust property, and by whose default. Parker appealed from this decree, and the Court of Appeal (James and Mellish, L.JJ., and Baggallay, J.A.) held that the bill ought to have been dismissed as against him with costs. On behalf of the plaintiff it was contended that the proceedings in the interpleader were only binding on the legal estate of the trustees, and could have no operation as against the plaintiff's equitable interest in the property, which was not liable to her husband's debts, and which a court of equity would protect, and reliance was placed on such cases as *Newlands* v. *Paynter* (4 M. & C. 408) and *Langton* v. *Horton* (1 Hare, 560). But the court pointed out that those were cases in which trust property had been seized to satisfy a debt of the trustee, not where the trustee was a third party who was in a position to take proper proceedings for the protection of the interest of his *cestui que trustent*. If the sheriff, after doing all that he could to enable the adverse claimant to establish his right, were to be exposed to proceedings in a court of equity, the provisions of the Interpleader Act for the protection of the sheriff would be rendered almost useless. The proceedings under the interpleader summons must, so far as the protection of the sheriff was concerned, be conclusive on the *cestui que trust*, as well as on the trustee, and if the latter had conducted the proceedings improperly the *cestui que trust* could have his remedy against him in a court of equity, but could not assail the sheriff or his officer.

A daily paper states that Synd Golan Gupper, the Hindoo who came specially from India to petition the Judicial Committee of the Privy Council with reference to a case which was decided eight years ago by the High Court, appeared again before the Council on Saturday. Sir Barnes Peacock said that after the fullest consideration their lordships had concluded not to refer the matter to the High Court, nor to allow an appeal to her Majesty in Council. The appellant expressed his intention of making an appeal to the High Court at Calcutta on his return to India.

Societies.

LAW STUDENTS' DEBATING SOCIETY.

The fortieth annual meeting of this society was held at the Law Institution on Tuesday last, the 4th inst., when the following report of the committee of the society was received and adopted:—

"Gentlemen,—We beg to lay before you our report of the proceedings of the society during the past year.

"The society has during that time held thirty-one meetings, at which sixteen legal and nine jurisprudential questions have been discussed. The average length of the debates has been one hour and fifty-four minutes, and the remainder of the meetings have been devoted to the administration of the society's affairs.

"The average number of members attending the meetings has been twenty-seven, the largest number at one meeting having been thirty-six, and the smallest sixteen.

"The average number of speakers has been ten, and of voters fourteen, of whom, on an average, twelve voted in person, and two in the register.

"During the past session thirty-three members have been elected; the name of one former member has been rent-tered on the roll. Thirteen members have resigned, and twenty-three have been struck off the roll, pursuant to rule 8.

"There are now on the roll of the society 227 members, upon which the society may fairly be congratulated, considering the strict enforcement of rule 8, by the striking off the rolls, as just stated, of no less than twenty-three members for non-payment of arrears of subscriptions and fines due to the society.

"Your committee have held nine meetings during the session, and have considered thirty legal questions, of which sixteen have been approved for debate.

"Mr. Cecil Betts having resigned the office of secretary in the month of March last, Mr. John Indermaur, who held that office in 1872 and 1873, was elected in his place.

"On the 26th of October last a committee, consisting of three members, was appointed to prepare rules setting forth the practice of the society during debates. Such proposed rules were finally settled by the society on the 27th of June last, and will, during the vacation, be circulated amongst the members.

"No alterations have been made in the rules of the society during the past year.

"The usual success has attended the members of the society at the final examination for solicitors.

"The above statistics furnish abundant testimony to the continued and increasing prosperity of the society.—We are, Gentlemen, your obedient Servants,

"John Indermaur, Secretary.
"Arthur Fell, Treasurer.
"Edwd. P. Rouse,
"G. S. Gibb,
"S. Garrett,
"G. S. Eady,
"A. Ellis,
} Members of Committee."

After the election of officers and other business, the society adjourned till the 31st of October. The society's annual dinner will be held on Tuesday next, the 11th inst.

UNITED LAW STUDENTS' SOCIETY.

A meeting of this society was held at Clement's-inn Hall, Strand, on Wednesday evening last, Mr. W. Dowson in the chair. Mr. J. S. Rubinstein opened the subject for the evening's debate, viz., "That the means whereby debtors may avoid the payment in full of their just debts should not be provided by the State" The motion was ultimately lost by a majority of two.

BIRMINGHAM LAW STUDENTS' SOCIETY.

At a meeting of this society held on Tuesday last, J. Loxdale Warren, Esq., barrister-at-law, in the chair, the following moot point was discussed:—"Where an application for shares in a limited company has been sent by post, is the contract to take shares complete from the moment the

letter announcing the allotment is put into the post, whether it reach the allottee or not?" Mr. Shore opened the debate in the affirmative, and was supported by Messrs. Whitehouse, Edwards, and Adams. Mr. Cresswell replied in the negative, and was followed by Mr. Hadley. The question was decided in the affirmative. A vote of thanks to the chairman concluded the meeting.

INCORPORATED LAW SOCIETY.

ANNUAL REPORT OF THE COUNCIL.

The council have pleasure in submitting a statement of their transactions in the interests of this society, and of the solicitor branch of the profession, since the last annual general meeting; and in closing their labours for the expiring year they notice with satisfaction the gradually increasing strength in the number of the members of the society.

After deducting deaths and retirements, the increase amounts to 58. There are now 3,019 members in all, of whom 1,957 are town and 1,062 country members.

Vacancies on the Council.

There will be eleven vacancies on the council to be filled up at the annual meeting. Of these ten arise by the retiring of members of the council in rotation, and one by the death, in August last, of the esteemed freind and colleague of the council, Mr. Frederick Shepard Hull, of Liverpool. Mr. William Ford, who vacates his office by rotation, has intimated his desire not to be put in nomination for re-election.

The council regret that Mr. Ford has found it necessary to vacate his place at the board which he has occupied for many years, and they avail themselves of this opportunity of acknowledging the important services rendered to the society by his constant and unremitting attention to the duties which devolve upon the members of this council.

Extraordinary Members.

The following gentlemen, presidents for the time being of provincial law societies, and also members of this society, were, in October last, elected as extraordinary members of the council:—

Mr. F. H. Barr, Leeds; Mr. H. H. Burne, Bath; Mr. J. Daw, Exeter; Mr. P. F. Garnett, Liverpool; Mr. C. B. Hellard, Portsmouth; Mr. G. J. Johnson, Birmingham; Mr. J. Ponsonby, Manchester; Mr. T. Taynton, Gloucester; Mr. H. S. Wasbrough, Bristol; and Mr. W. Watson, Hull.

Annual Provincial Meeting of the Society.

Arrangements are now being made for holding the annual provincial meeting of the society this year at Oxford, and it is expected that the council will shortly be in a position to communicate to the members full information with reference to the proposed meeting, which will take place early in October next.

The proceedings and resolutions of the meeting held in Liverpool last year, and the papers read at that meeting, have already been sent to the members.

Counsel appearing in Chambers before the Chief Clerks of the Chancery Division of the High Court of Justice.

It having come to the knowledge of the council that, since the passing of the Judicature Acts, the practice had been introduced of instructing counsel to attend before the chief clerks of the Chancery Division of the High Court of Justice, and had been, moreover, sanctioned by the Master of the Rolls and the Vice-Chancellors, the council deemed it important that if such practice were to exist it should be coupled with certain restrictions. They therefore addressed letters to the Master of the Rolls and the Vice-Chancellors, urging that if counsel were to be permitted to attend before the chief clerks, no pre-audience should be allowed to them, but that all cases should be disposed of in their regular order, whether attended by counsel or not; and suggesting that, in order to prevent the unnecessary employment of counsel, the fees to counsel for attendance before chief clerks should not be allowed on taxation, unless the chief clerk should certify that the case was proper for the employment of counsel, in analogy to the practice in the common law divisions.

A communication was subsequently received from the Master of the Rolls to the effect that he had adopted both the suggestions of the council.

The Vice-Chancellor Malins informed the council that he did not intend to sanction the practice of allowing counsel to be heard before the chief clerks, or before himself in chambers; and the Vice-Chancellor Bacon wrote, saying that he had on all occasions declined to hear counsel in chambers, but that he understood his chief clerks had only admitted the attendance of counsel in one or two instances of a special nature, which had not been productive of inconvenience.

Qualification of Parliamentary Agents.

The views entertained by the council on this subject, and the result of the correspondence which had taken place between them and the Chairman of Committees of the House of Lords and the Speaker of the House of Commons, are contained in pages 11 to 13 of the last annual report.

A short time since the council were informed that the Society of Parliamentary Agents were seeking to obtain the sanction of the authorities of both Houses of Parliament to further regulations affecting the right to practise as parliamentary agents. The council therefore thought it incumbent on them, in the interest of the solicitors, to request the Chairman of Committees of the House of Lords and the Speaker of the House of Commons to give the council an opportunity of being heard before any new regulations were made. In answer to that request, the council were informed by the Chairman of Committees of the House of Lords that no application had been made to him to sanction further regulations, and a similar statement was made by the Speaker of the House of Commons, who, moreover, promised that in the event of any new regulations being contemplated, the council should have an opportunity of being heard in the matter.

It is in contemplation to appoint a joint select committee of both Houses of Parliament to consider the expediency of making further regulations.

Restrictions on the Call of Solicitors to the Bar.

In their last annual report the council referred to the correspondence which had taken place between them and the several Inns of Court with regard to a proposed relaxation of those rules which prohibit a solicitor from being called to the bar until he has been for twelve terms a student of an Inn of Court, and which correspondence concluded with an expression of opinion on the part of the joint-committee of the four Inns of Court to the effect that it was not expedient to comply with the suggestions which had been made by the council. The members were then informed that it had been observed by the joint-committee that, by statute, a barrister could not become a solicitor until he had ceased to be a barrister for three years. The council pointed out to the Inns of Court that the relaxation of that rule rested with the Legislature, whilst the rules adopted by the Inns of Court were within their own control.

The council, however, with the view of showing the feeling of the solicitor branch of the profession on the subject, passed the following resolution: "That, with a view to facilitating the access of solicitors to the bar, and of barristers to the roll of solicitors, it is expedient that the law should be amended, and that barristers of not less than five years' standing should, on quitting the bar, and passing such examination as this council shall from time to time appoint, be admitted solicitors." This resolution has been since forwarded to the treasurers of the several Inns of Court.

A Bill has since been brought into Parliament by Mr. Charley and Mr. Gordon, in which are incorporated clauses proposed with a view of facilitating the change from one branch of the profession to the other, but not to the extent suggested by the council.

Practice in the Court of Arches.

It may be in the recollection of the members that when the Public Worship Bill—which has since become law—was before Parliament, the council procured an amendment of it providing that solicitors, and not proctors only, might practise in the courts in which controversies under the Act would be litigated.

The council have now to draw attention to the case of *Crisp* v. *Martin* (20 Solicitors' Journal, 523), heard by Lord Penzance in March last, where a solicitor, having con-

dusted the ecclesiastical proceedings in the court of first instance, sought permission to appear for his client in the appeal to the Court of Arches.

The council at once communicated with the applicant, and took an active part in supporting him, inasmuch as, under the Judicature Act, gentlemen who practised as proctors only, are now to be called solicitors, and may be admitted and practise in all courts, as such, without passing the usual examinations.

The decision of Lord Penzance was adverse to the applicant, the fact that he could not deal with the question of compensation being (as he stated in his judgment) alone sufficient to prevent his acceding to it.

There are other considerations involved in the matter, which it is not necessary to enter upon now; but the council determined to bring the matter before the Legislature, so that the solicitors of the Supreme Court (the recognized legal practitioners of the courts) may be placed on a footing of equality with the proctors, and be thus enabled to transact the business of their clients in all legal matters.

By clause 6 of the Legal Practitioners Bill before referred to, it is proposed to legalize the admission of a solicitor of the Supreme Court to practise in the provincial courts of Canterbury and York; a proposal, however, which does not deal with the whole question.

Probates of Wills—Applications for Return of Probate Duty.

A suggestion having been made to the judge of the Probate Division to the effect that it was desirable that probates of wills should be printed, his lordship requested to have the opinion of the council on the subject.

On considering the matter, it appeared to the council that the proposal was neither called for nor desirable. The chief object of the suggestion appears to be that copies could be multiplied with greater facility and cheapness. But while printing would increase the cost of all probates, numerous copies are seldom required, except in cases where the will becomes the subject of litigation, and then it is printed as part of the proceedings. Another objection (and a serious one) is that more copies would be printed than would be required in the majority of cases, and after a time the superfluous copies would be thrown aside, or probably disposed of as waste paper, and thus a needless publicity would be given to wills, which is obviously undesirable.

The council accordingly communicated to the judge of the Probate Division the views they entertained with regard to the suggestion.

A correspondence has also taken place between the council and the authorities at Somerset House, with reference to delays in the Return of Probate Duty Department, which resulted in the council being informed that the commissioners had, at the suggestion of the council, given additional assistance to the chief officer of the department.

Commissioners to administer Oaths and Perpetual Commissioners.

Shortly after the Judicature Acts came into operation, a communication was received from the Lord Chancellor with reference to the course to be adopted, for the future, on applications made for commissions to administer oaths. After considering the suggestions of the council, it was finally determined by the Lord Chancellor that, except in circumstances of a very special nature, no commission should be granted to a solicitor unless he had taken out his certificate for six years preceding the application; and that notice of every application should be sent to the council two months before it was taken into consideration by the Lord Chancellor, in order that the society might have an opportunity of forwarding to the Lord Chancellor any communications the council might receive with regard to the applicant's fitness.

The council thought this a fitting opportunity to request the Lord Chief Justice of the Common Pleas to make a general order, authorising perpetual commissioners to take the acknowledgments of married women all over England and Wales, instead of being confined, as at present, to particular districts specified in their commissions.

No determination has, at present, been arrived at in this matter.

Closing the Courts and Offices on Saturday Afternoon.

In the early part of the present year a communication was received from the judges with regard to a proposal which had been made to them for closing the various courts and offices on Saturday afternoon at two o'clock, and which, it seemed, they were unwilling to entertain unless they were satisfied that all branches of the profession approved of the suggestion.

The council, on behalf of their own branch of the profession, felt no difficulty in stating their readiness to give effect to any proposal that might be made for the purpose. And they were glad to be able to make this communication to the judges, as it has long been felt that the half-holiday on Saturday, which has practically been observed for some years past, and in the establishment of which the council of this society took an active part, has hitherto been interfered with to a great extent by the practice of keeping the courts and offices open until so late an hour that, virtually, no relaxation was secured to those whose attendance there was absolutely necessary.

An order has now been issued under which the courts and offices are closed at two o'clock on Saturday afternoon, an alteration of the practice which the council urged on the judges some years since.

Remuneration of Solicitors.

The members are already aware that a special committee had under consideration a revised scale of remuneration, on the footing of a charge by commission, applicable to all conveyancing matters, with a view to its submission to the Lord Chancellor for sanction, as a properly authorized scale of charge.

The special committee, after communicating with the various provincial law societies, have been enabled to lay before the council a revised scale for conveyancing business, extending the principle of remuneration by commission to settlements and leases, which are not included in the existing scale; and a distinction is also made between those cases in which the solicitor has the conduct of the negotiation cast upon him, and those in which he has not.

The revised scale appeared to the council fit to be adopted, and has met with the approval of the associated provincial law societies.

The council have since forwarded the scale to the Lord Chancellor for consideration, with a view to its receiving some authoritative sanction, and they are still in communication with his lordship upon the subject.

With regard to costs in matters of litigation, an attempt was made by Mr. Gregory, on the consideration, as amended, of the Judicature Act, 1873, Amendment Bill of last session, to procure the insertion of a provision vesting in the court a discretionary power, in awarding costs, to direct that they should be taxed either as between party and party, or as between solicitor and client. Mr. Gregory's proposed amendment was supported by Mr. Leeman, Mr. Watkin Williams, and Sir H. M. Jackson, but, being opposed by the Government, was lost on a division. As, however, the new rules with reference to solicitors' fees enable the court to award costs on either the higher or lower scale, and give wide discretionary powers to the taxing masters as to special allowances, the council trust that the interests of the profession may thus be to some extent protected.

Solicitorship of the Government Departments.

The offices of "Solicitor to the Treasury" have now been consolidated. Mr. Marmaduke John Teesdale, a solicitor, and a member of this society, has been appointed a solicitor in this department.

The communications which took place between the council and the Prime Minister upon this subject were noticed in the last annual report.

Rules under the Judicature Acts.

In April last a committee of the judges was appointed to consider the expediency of revising and amending any of the rules in the first schedule of the Judicature Act, 1875, with a view to obviate difficulties which had occurred in their working.

The Master of the Rolls, as president of this committee, invited the council to furnish him with suggestions as to

any amendments in the rules which the council might consider desirable. He intimated that such suggestions were not to extend to a general revision of the rules, but were to be limited to meeting difficulties which had arisen in the working of the present rules.

The very few days which were allowed to the council for the consideration of this important subject precluded them from dealing with it as exhaustively as they could have wished, and moreover, the scope of their suggestions was necessarily limited by the letter of the Master of the Rolls; but they gave the matter their most careful attention, and were enabled to place in the hands of the committee of judges a paper containing suggestions for which the Master of the Rolls has expressed his thanks, as being worthy of consideration by the judges. These suggestions are printed in the appendix to this report.

Judicature Act—District Registries.

Soon after the establishment of districts under the Judicature Act the council were requested by a country law society, established in an extensive district, to express their opinion on the expediency of the registrars of large and populous county court districts continuing to practise as solicitors.

The council, however, thought it premature to deal with this matter until the result of the working of the procedure established by the Judicature Act had been, to some extent, ascertained. They consider, however, that the point involved in the question submitted to them is one of great importance, and will have to be dealt with at no distant time.

Barristers' Fees Bill.

This Bill was brought in by Mr. Norwood, Mr. Leeman, Mr. Charles Lewis, Mr. Sampson Lloyd, and Mr. Anderson.

It was proposed by this Bill to enable barristers to recover their fees—by action—either from the solicitor instructing them, or from the client.

The barrister, on the other hand, was to be liable, in respect of such employment, to be sued at law, for any breach of contract or other grievance arising out of it.

The council were quite alive to the grave importance to the profession of the subject-matter of this Bill—the position in which solicitors are often placed, in consequence of the course taken by some members of the bar being a matter too frequently under the notice of the council, and they gave to the proposed Bill their most serious consideration.

It did not appear, however, to the council that the proposed legislation was in the proper direction, or that the remedies provided would really remove the grievances that existed; but they were unwilling to allow the opportunity of public attention being called to the subject to pass without endeavouring to get the relations between counsel and solicitors placed on a more satisfactory footing. The council, therefore, placed in the hands of their president a petition, which was presented to the House of Commons, in which they expressed their opinion that the present system, with respect to the payment of fees and attendance of counsel, was unsatisfactory, and urged the desirability, before any legislation took place, of referring the whole subject for investigation by a select committee of the House of Commons.

The members are, no doubt, aware that the petition was presented, and that on the second reading of the Bill it was negatived on a division. The council, however, consider that the discussion in Parliament was exceedingly valuable, and may, at no distant time, lead to a thorough investigation of the whole question, with a view to its satisfactory solution.

Supreme Court of Judicature Act (1875) Amendment Bill.

By this Bill it is proposed to repeal, so far as regarded Ireland and Scotland, the rule under the Judicature Act, whereby writs issued out of the Supreme Court may be served on defendants in Scotland or Ireland, provided the subject of the action should be situate in England, or the contract had been entered into, or breach of it committed, in England, or where the thing sought to be restrained, or for which damages were sought, had been or was to be done in England.

It appeared to the council that the restrictions contained in that rule limited, with sufficient fairness towards defendants, the operation of it to cases arising in England, and in which a remedy should be fairly obtainable in the English courts.

The council failed to see any reason why an exception should be made in favour of Scotland and Ireland, from a practice which has now for many years been found to work well, and to be in favour of commerce as regards the colonies and all other parts of the world. The Court of Chancery in England has always exercised power over persons resident in Scotland and Ireland, and has from time to time authorized service of process in those countries, and the courts of Scotland have at all times exercised jurisdiction over persons resident in England, without restriction as to the origin of the cause of action, when property of the defendant of any description has been found in Scotland. By the Act of 13 Vict. c. 18, s. 9, the courts of common law in Ireland are enabled to exercise jurisdiction over persons resident in England, whenever such persons have any agent resident in Ireland; and under this power English merchants have frequently been compelled to litigate, in Ireland, questions arising upon contracts made in England.

The council feeling that the proposed enactment was opposed to the spirit of all modern legislation, and that it would be highly detrimental to those engaged in commerce, took steps to communicate their views on the subject to members of the House of Commons.

Notice of opposition to the second reading of the Bill has been given by Mr. Gregory and Mr. Morgan Lloyd.

Criminal Law Evidence Amendment Bill.

The object of this Bill, as stated in its preamble, is to make prisoners or defendants, or their wives or husbands, competent to give evidence. It is proposed that the prisoner or defendant shall be competent to give evidence on his or her own behalf, or to call as a witness, a wife or husband.

Where several prisoners or defendants are charged with the same offence, it is proposed that any of them may call as witnesses either the person jointly charged, or the wife or husband of such person; but no prisoner or defendant is to be called against his will. The evidence is to be given on oath, but no person is to be excused from answering on the ground that his answers would tend to criminate him.

If the person charged wishes to say anything in answer to the charge, he may make his statement on oath or not at his pleasure, and the provisions of the existing Acts of Parliament which relate to such statements when made without oath, are to apply to it when made on oath, and to any answers made in cross-examination on such statement; but where the statement is made on oath, the person making it is to be subject to cross-examination.

Any such statement, or the answers on cross-examination upon it, are not to be given in evidence against the person charged in cases where he intends to offer himself as a witness, except as provided by the Act for amending the Law of Evidence and Practice in Criminal Trials, and the person charged is to be liable to prosecution for perjury.

It appeared to the council, on considering this Bill, that, with the proper safeguards contained in its clauses, the alteration in the law intended to be effected by it was in the right direction; and at their request the president presented a petition to the House of Commons in favour of the Bill.

Legal Practitioners Act.

This Bill received the Royal assent in August, 1875. The Act, as members are aware, repeals part of section 37 of 6 & 7 Vict. c. 73, and enables a solicitor, under certain circumstances, to sue for his bill of costs, although one month has not elapsed since the delivery of his bill.

The council requested their president to give the Bill his general support in Parliament.

By the Bill introduced by Mr. Charley and Mr. Gordon in the present session it is provided, in addition to the matters already referred to, with reference to the change from one branch of the profession to the other, and with regard to the admission of solicitors to practise in the provincial courts of Canterbury and York, that any qualified

practitioner may sue for a penalty where an unqualified person has brought himself within the restrictions of the Stamp Act, 1870, the power being now vested in the Commissioners of Inland Revenue only.

There is also a provision confining the right to appear for the prosecution or defence of any person charged before a magistrate or justice of the peace to "qualified practitioners," by which expression is meant any serjeant-at-law, barrister, certificated solicitor, proctor, notary public, conveyancer, special pleader, or draughtsman in equity, and it is proposed that for the future no document required to be registered by the Bills of Sale Acts shall have effect unless attested by a qualified practitioner.

County Courts Act, 1875.

By the Bill, which passed in August last under the above title, the summons to obtain judgment by default was to be served personally on the defendant, by the bailiff of the court, or, by leave of the judge or registrar, by the plaintiff or his attorney, or his clerk or servant.

It appeared to the council that, although this provision as to service was to some extent in conformity with the 2nd section of the County Courts Act of 1867 (30 & 31 Vict. c. 142), yet the condition imposed on the plaintiff for obtaining the leave of the judge or registrar for service by the attorney, clerk, or servant, was unnecessary. It did not seem reasonable that in order to effect personal service the plaintiff should be compelled to incur the extra expense of an application to the court for leave.

The council accordingly communicated with the proper authorities on the subject, and an amendment was made in committee on the Bill, to the effect that a summons may be served by a bailiff of the court, or otherwise.

Regulations of the Inns of Court—Constitution of a General School of Law.

A detailed account of the course adopted by the council last session on Lord Selborne's Bills will be found at pages 18 to 21 of the last annual report.

Shortly after the Easter recess Lord Selborne re-introduced his Inns of Court Bill and School of Law Bill, both of which passed the House of Lords.

The Inns of Court Bill was found to be similar to that which passed the House of Lords last session, and the council thought it right again to direct the attention of the House of Lords to the omission from the Bill of any clause nominating the commissioners for carrying the objects of the Bill into effect; and they requested Lord Hatherley to present a petition on their behalf to the House of Lords, praying that due provision should be made for carrying into effect the suggestion above referred to. A similar petition will be presented to the House of Commons before the second reading of the Bill in that House.

On examining the School of Law Bill, it was found that it differed materially from that of the previous session, inasmuch as it is now proposed to constitute the school as one of examination only, and not to embrace within it any system of teaching. The Bill is, therefore, open to the observation which fell from the Lord Chancellor on the second reading, that its title may give rise to a good deal of misapprehension, by conveying the idea that it was intended to be a teaching body.

The council assume from a statement made by the Lord Chancellor to the effect that he was in communication with the Inns of Court on the subject of legislation respecting several matters embraced within both these Bills, and that he hoped the Government would in a future session be able to propose a measure on the subject, that it is not intended to proceed farther with these Bills in the present session. The council did not, therefore, think it necessary to take any further proceedings with regard to either of the Bills.

Matters Relating to Solicitors and Unqualified Persons.

The result of the consideration by the council of statements laid before them relating to the alleged misconduct of solicitors is as follows:—

In six cases rules have been made absolute to strike solicitors off the roll.

Two cases are now pending in which rules *nisi* have been granted.

In the case referred to in the last annual report, where the council thought it right to resist the re-admission of a solicitor who had been convicted of a criminal offence, the opposition was successful.

The Master of the Rolls, like the judges of the common law courts under the old system, continues to regard the society as the proper authority for inquiring into the reasons which have led solicitors to abandon their certificates for a time, and to submit for his lordship's consideration any circumstances which may aid him in adjudicating upon any particular application to renew a certificate.

In several cases the council have had to suggest the payment of arrears of duty and fines.

Whilst on this subject the council think it right to mention that they have been in correspondence with the chief registrar of the Court of Probate, in regard to grants of probate and letters of administration which have been applied for and obtained by unqualified persons—a practice which has grown up in non-contentious business by the employment of law stationers and others, which is in contravention of the 2nd rule of the Rules and Orders, in non-contentious business, made under the 20 & 21 Vict. c. 77, and the 21 and 22 Vict. c. 95.

Although a country solicitor, if in London, may apply for probates and letters of administration in his own name, it is an infraction of the letter and spirit of this rule to do so through any medium other than a London solicitor.

With a view to put an end to this irregularity, the council have suggested to the President of the Probate Division that his lordship should give directions to the officers of the non-contentious business department, that applications for probate or letters of administration should only be received from solicitors or their duly-qualified London agents, their respective clerks, or the parties in person.

Usages of the Profession, and References.

The council have, as heretofore, considered several matters referred to them relating to professional usage, and, on an agreement by the parties to be bound by their decision, the council have expressed and recorded their opinion.

Any decision given may be referred to, on application, at the secretary's office.

The Examinations.

In stating the result of the examinations during the past year, the council must advert to the numerous instances in which orders have been made dispensing with the preliminary examinations, with reference to which they thought it their duty to address the presidents of each division of the High Court.

The council reminded their lordships that when, in 1867, a deputation from the council had an interview with their lordships, or their predecessors in office, they were led to believe that after the Act of Parliament imposing the preliminary examinations had been in operation for about ten years, dispensations would only be granted on very special grounds.

The council stated that since that interview numerous dispensing orders had been granted, and they apprehended that in many of the instances, if more complete information had been supplied to the judges by the applicants, the number of such orders would have been considerably less—greatly to the advantage of the public and the profession.

In making this communication, the object the council had in view was to insure that full inquiry should be made in all cases for the information of the judges, and uniformity of practice in the exercise of the discretion vested in them.

The result is that the judges are willing, as a general rule, to consult the council, one of their lordships stating that the opinion of the council on these matters would always be of great assistance.

The council have reason to believe that their correspondence with the judges on this subject has been attended with beneficial results, for it is now the practice for two of the judges to consult the council before deciding upon cases of this kind.

The following is the result of the preliminary, intermediate, and final examinations:—

Preliminary Examination.—In July, 1875, 102 candidates passed, and 37 were postponed; in October 166 passed, and 57 were postponed; in February, 1876, 249 passed, and 54 were postponed; and in May last 103 passed, and 44 were postponed.

Intermediate Examination.—In November, 1875, 231 can-

didates passed, and 54 were postponed; in January, 1876, 82 passed, and 19 were postponed; in April 71 passed, and 48 were postponed.

Final Examination.—In November, 1875, 240 candidates passed, and 29 were postponed; in January, 1876, 163 passed, and 27 were postponed; in April 93 passed, and 40 were postponed.

[The rest of the report refers to the lectures and classes, and the library.]

List of qualified members of the society nominated as members of the council to be elected at the annual general meeting on the 11th of July, 1876. The candidates whose names are marked thus * will go out of office by rotation.

* Ebenezer John Bristow, 1, Copthall-buildings, City.—Nominated by Charles Harrison, jun., 19, Bedford-row; J. S. Torr, 38, Bedford-row.

Robert Cunliffe, 43, Chancery-lane.—Nominated by J. Kingsford, 23, Essex-street, Strand; John V. Longbourne, 7, Lincoln's-inn-fields.

* Frederick George Davidson, 35, Spring-gardens, Charing-cross.—Nominated by Charles Harrison, jun., 19, Bedfordrow; J. S. Torr, 38, Bedford-row.

* Robert Richardson Dees, Newcastle-on-Tyne.—Nominated by John Clayton, Newcastle-on-Tyne; Alfred Bell, 49, Lincoln's-inn-fields.

Joseph Dodds, M.P., Stockton-on-Tees, and 4, Broad Sanctuary, Westminster.—Nominated by George E. Lake, 10, New-square, Lincoln's-inn; F. S. Clayton, 10, Lancaster-place; Arthur Wightman, Sheffield; Edward Bond, Leeds.

* Edward Field, Norwich.—Nominated by S. Hurry Asker, Norwich; Jno. Wm. Sparrow, Norwich.

* Charles John Follett, Exeter.—Nominated by John Daw, Exeter; Edward H. Houlditch, Exeter.

* Clement Francis, Cambridge.—Nominated by Arnold W. White, 12, Great Marlborough-street; Henry R. Freshfield, 5, Bank-buildings.

* George Burrow Gregory, M.P., 1, Bedford-row, London.—Nominated by Charles Harrison, jun., 19, Bedford-row; J. S. Torr, 38, Bedford-row.

* William Alfred Jevons, Liverpool.—Nominated by Edward W. Bird, Liverpool; Francis D. Lowndes, Liverpool.

* Benjamin Greene Lake, 10, New-square, Lincoln's-inn.—Nominated by Charles Harrison, jun., 19, Bedfordrow; J. S. Torr, 38, Bedford-row.

Richard Nicholson, 23, Spring-gardens, Westminster.—Nominated by Francis Thomas Bircham, 46, Parliament-street, Westminster; Wm. James Farrer, 66, Lincoln's-inn-fields.

List of qualified members of the society proposed as president, vice-president, and auditors of the society.

Henry Thomas Young, president, 9, New-square, Lincoln's-inn.—Nominated by Charles Harrison, jun., 19, Bedford-row; J. S. Torr, 38, Bedford-row.

Edward Frederick Burton, vice-president, 37, Lincoln's-inn-fields.—Nominated by Charles Harrison, jun., 19, Bedford-row; J. S. Torr, 38, Bedford-row.

Edward Mackeson, auditor, 59, Lincoln's-inn-fields.—Nominated by Charles Harrison, jun., 19, Bedford-row; J. S. Torr, 38, Bedford-row.

Charles Graham, auditor, 6, New-square, Lincoln's-inn.—Nominated by Charles Harrison, jun., 19, Bedford-row; J. S. Torr, 38, Bedford-row.

John Henry Kaye, auditor, 2, New-inn, Strand.—Nominated by Charles Harrison, jun., 19, Bedford-row; J. S. Torr, 38, Bedford-row.

The Solicitor-General for Ireland, in answer to Sir C. O'Loghlen, said, in the House of Commons, on Thursday—The Irish Judicature Bill will be proceeded with as soon as the state of Government business admits of its being pressed steadily forward. He could not at present name a day on which they might calculate upon reaching it at a reasonable hour. But the Bill has already passed the House of Lords; it is now in committee of the House of Commons; and if it meets with only fair criticism in its remaining stages, there is every reason to expect that it will become law before the end of this session.

General Correspondence.

A Question of Construction.

[*To the Editor of the Solicitors' Journal.*]

Sir,—I should be glad to have the opinion of your correspondents upon this question:—

Land is conveyed by deed to A. B. and C. D. and their heirs, "to hold unto and to the use of the said A. B. and C. D., their heirs and assigns, for ever." The deed is executed by the purchasers. Upon the deed is indorsed a memorandum in the following words:—"We, the undersigned, A. B. and C. D., parties to the within written indenture, do declare that the true intent and meaning of the within-written indenture is that the land therein expressed to be thereby granted shall vest in us as tenants in common and not as joint-tenants. In witness whereof we have hereunto set our hands immediately before the execution of the within written indenture."

What is the effect of the conveyance? Is the following argument good?

The language of the deed is sufficient to create either a joint-tenancy or a tenancy in common. It is so far, therefore, ambiguous, and the intention of the parties must be sought elsewhere.

In the absence of any other evidence than that afforded by the language of the deeds the law would presume that a joint-tenancy was intended. But this presumption is capable of being rebutted by evidence of a contrary intention.

If, therefore, at the time the purchasers execute the deed they sign a declaration indorsed that their intention is that the land should vest in them as tenants in common, the signature of the declaration being as far as possible concurrent and *uno ictu* with the execution of the deed, the signed declaration will afford sufficient evidence of a contrary intention to rebut the presumption of law arising from the language of the deed that the estate created is one of joint-tenancy.

It is to be remembered that equitable principles now prevail over legal; that, therefore, the law now favours tenancy in common more than joint-tenancy; and that the courts no longer know any distinction between equity and law.

A. M. E.

July 4.

Appointments, Etc.

Mr. John Collins Baker, solicitor, of Ilminister, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Mr. James William Fair, solicitor, of Dublin and Athlone, has been appointed Clerk of the Crown for the County of Roscommon. Mr. Fair was admitted a solicitor at Dublin in 1865.

Mr. Henry Charles Lopes, Q.C., M.P., has been appointed a magistrate for Somersetshire.

Mr. Gerald Wolfe Lyddeker, barrister, of Harpenden Lodge, has been elected Deputy-Chairman of Quarter Sessions for the St. Alban's Division of Hertfordshire, in the place of the late Mr. George Robert Marten. Mr. Lyddeker is the son of the late Mr. Richard Lyddeker, M.D., of St. Alban's. He was born in 1811, and was educated at Eton, and at Trinity College, Cambridge, where he graduated in the first class of the classical tripos in 1833. He was called to the bar at the Inner Temple in Hilary Term, 1841, and formerly practised on the Home Circuit and the Essex and Hertfordshire Sessions.

Mr. John William Mellor, Q.C., has been appointed a magistrate for Somersetshire.

Mr. James Motteram, Q.C., has been appointed Judge of County Courts for Circuit No. 21 (comprising Birmingham, Atherstone, and Tamworth), in succession to the late Mr. Henry Warwick Cole, Q.C. Mr. Motteram was for many years in practice as a solicitor at Birmingham, being the head of the firm of Motteram, Knight, & Emmett. He afterwards entered at the Middle Temple, where he was called to the bar in Michaelmas Term, 1851. He joined the Oxford Circuit, and the Staffordshire and Shropshire Sessions, having also a large local practice at Birmingham.

Mr. Motteram was one of the prosecuting counsel to the Post-office on the Oxford Circuit, and he frequently sat as deputy for Mr. Cole. He became a Queen's Counsel in June, 1875.

Mr. WILLIAM ROWE, solicitor, of Stratton, Cornwall, has been elected Clerk to the Stratton Board of Guardians, in the place of Mr. William Pickard, resigned. Mr. Rowe was admitted a solicitor in 1835, and is also clerk to the magistrates and the Commissioners of Taxes at Stratton.

Mr. ADAM ALFRED SILBERBERG, solicitor, of 70, Cornhill, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Legal News.

The *Daily News* learns that the Government have decided to institute a new law office of considerable importance—that of Legal Under-Secretary for Foreign Affairs. We hear that the determination to create this office was arrived at several months ago, when the Government were embarrassed by the controversies which grew out of the Fugitive Slave Circular; and it is probable that the execution of the project has been accelerated by the differences between this country and the United States on the extradition question. It is said that Mr. Disraeli entertains an emphatic opinion as to the necessity of securing to the Foreign Office adequate legal advice. The gentleman selected to fill the new post is Sir Julian Pauncefote, Assistant-Secretary for the Colonies. He was formerly Attorney-General of Hong Kong, and afterwards Chief Justice of the Leeward Islands.

At the assizes at Guildford, on Tuesday, the grand jury made the following presentment:—"The grand jury desire to present that the unusually early date at which the summer assizes for Surrey have been fixed, and the most unexpectedly short notice of the assizes, have very materially reduced the amount of business (*i.e.*, the civil business), while a certain number of cases (*i.e.*, criminal cases) remained from Newington Sessions which would have been disposed of there in the ordinary way had the assizes been held at the usual time. They trust that these circumstances will not be adduced as a reason for withdrawing the assizes from the county." The mayor and magistrates of Guildford desired to present the following memorial:—"The mayor and magistrates submit that the notice given for holding the assizes this year has been unusually and unexpectedly short, and that this has very materially affected the amount of business to be brought before the court, and they trust that no inference may be drawn from the circumstances which can be adduced as a reason for withdrawing the assizes from the county." The learned judge (Mr. Justice Quain) refused to receive this latter memorial. The presentment of the grand jury, he said, he was happy to receive, but any memorial from any other body it would be irregular for the judge to receive. There were only eight causes and about thirteen prisoners.

A correspondent of the *Times* gives the following cheerful account of legal procedure in the Windward Isles:—The laws througout the islands of Vincent, Grenada, St. Lucia, and Tobago are in a state of the most extraordinary confusion. Originally drawn by unskilful hands, they have in some cases not been revised or consolidated for nearly fifty years. To add to the difficulty of ascertaining what the law is on any subject, it will not unfrequently be found that the laws are out of print. A different system of law and procedure prevails in each island, and writs of the Supreme Court of one island do not run in any of the others. This affords extraordinary facilities for fraud. A dishonest debtor, once he leaves the island where his liabilities were contracted, can set his creditors at defiance, although he may not be thirty miles distant from them. The trouble and expense of pursuing him through the other islands deter them from attempting to obtain redress. In none of the Windward Islands except Barbadoes is there any bankruptcy law. It is a common occurrence for men to be imprisoned for years for paltry debts. All legal proceedings are attended with extravagant expense and protracted delay. To take the simplest case—If the holder of an overdue bill of exchange for any sum over £20 sues the accepter of it, he cannot obtain judgment under the most favourable circumstances in less than four months, even if the action be undefended, and then not without the intervention of a jury to assess the amount of interest accrued on the bill since it became overdue. In such a case the costs will amount at least to £15. The present complicated and cumbrous procedure, and the great expense attendant on it, practically close the courts of law to all but the wealthy. In St. Vincent it is two years since any civil case was tried before a jury. Although the courts are seldom open and there is little work for the Chief Justices to do, they are not allowed to do it. In each island there are a number of assistant justices. These officials are peculiar to the islands of St. Vincent, Grenada, and Tobago. They are unknown in any other part of the West Indies. They are unprofessional men, and as a rule are local shopkeepers. Without any preliminary training or legal qualifications, they are invested with all the powers enjoyed by the judges of the superior courts of law in England. They grant injunctions and hear motions for leave to plead special defences, and issue orders to hold to bail. The position is much sought after, because it has some small emoluments attached to it, and still more because the holder of it is entitled to be called "The Honourable Mr. Justice." In the West Indies, where honourables are as plentiful as colonels in the United States, a man without a handle to his name is altogether out of the running. A member of the bench of the Supreme Court will one moment be selling a pound of tea or a yard of riband, and the next hearing across his counter some technical motion, the merits of which he is utterly unable to understand.

Obituary.

SIR FREDERICK SHAW.

The Right Hon. Sir Frederick Shaw, Baronet, late Recorder of the city of Dublin, died on the 30th ult., after a lingering illness, at the age of seventy-seven. The deceased baronet was the second son of Sir Robert Shaw, formerly M.P. for the city of Dublin, who was created a baronet in 1821. He was born at Dublin in 1799, and was educated first at Trinity College, Dublin, and completed his university education at Brasenose College, Oxford. He was called to the Irish bar in 1822, and was elected M.P. for the city of Dublin in the Conservative interest in 1830. On the passing of the Reform Bill he came forward as a candidate for Dublin University, and after a severe contest was returned in conjunction with the late Chief Justice Lefroy. He retained his seat till 1848, when he retired on account of delicate health. He will long be remembered as the antagonist of the late Daniel O'Connell, both in the Dublin Town Council and in the House of Commons. He took an active part in the discussion of all Irish measures in Parliament, and was highly esteemed by all parties. He was made a member of the Irish Privy Council by Sir Robert Peel in 1835, and he succeeded to the baronetcy on his brother's death in 1869. Sir F. Shaw was appointed Recorder of Dublin in 1828, and held the office till a few weeks ago, when failing health induced him to tender his resignation, and he received a valedictory address from the members of the bar. He was also Recorder of the borough of Dundalk, and he had been a bencher of the King's-inn since 1829.

MR. ANTHONY JOHN MOORE.

Mr. Anthony John Moore, who was for nearly forty years a solicitor at Sunderland, died of bronchitis at St. Bede's Tower, Durham, on the 26th ult., at the age of sixty-three. Mr. Moore was born in 1813, was admitted a solicitor in 1834, and at once commenced to practise at Sunderland. For several years he was in partnership with Mr. William Moore, the firm being solicitors to the Sunderland Water Company and Gas Company. He was formerly steward of the ancient borough of Sunderland, and he was for several years a member of the town council. He was elected mayor of the town in 1854, and remained in office for two years. Mr. Moore was an active and influential member of the local Liberal party, having been one of the solicitors to the Sunderland Reform Association, and he rendered valuable services in many elections. He had for a long time abandoned public business, and three or four years ago he retired from practice. His son, Mr. Anthony John Moore, jun., was admitted a solicitor in 1862.

Legislation of the Week.

HOUSE OF LORDS.

June 30.—Intemperance.

The Archbishop of Canterbury moved "That a select committee be appointed for the purpose of inquiring into the prevalence of habits of intemperance, and into the manner in which those habits have been affected by recent legislation and other causes."—The motion was agreed to.

Slave Trade.

This Bill was read a second time.

Metropolitan Commons (Barnes).

This Bill passed through committee.

Elementary Education Provisional Order Confirmation (Hornsey).

This Bill was read a third time.

Prevention of Crimes Act Amendment.

This Bill was read a third time.

July 3.—Wild Fowl Preservation.

This Bill was read a second time.

Slave Trade.

The House went into committee upon this Bill.

Lord Stanley of Alderley moved an amendment on the 1st clause to make the subjects of native States residing under British protection at Zanzibar and Muscat, and violating the laws relating to the slave trade, punishable by British courts of law in India only upon the consent of the native State whose subjects the offenders might be.—The amendment was withdrawn, and the Bill passed through committee.

Metropolitan Commons (Barnes).

This Bill was read a third time.

Elementary Education Provisional Order Confirmation (Tollshunt Major).

This Bill was read a third time.

Provisional Orders (Ireland) Confirmation (Coleraine, &c.).

This Bill was read a third time.

July 4.—Union of Benefices.

The House went into committee on this Bill.

Clauses up to clause 33, inclusive, were agreed to, with some amendments.

Local Government Boards Provisional Orders Confirmation (Carnarvon, &c.).

This Bill was read a third time.

Friendly Societies Act, 1875, Amendment.

This Bill was read a second time.

Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation.

This Bill passed through committee.

Slave Trade.

This Bill was read a third time and passed.

July 6.—Commons.

The Duke of Richmond and Gordon, in moving the second reading of this Bill, explained its provisions as follows:—The principles upon which we have acted in preparing this Bill have been, in the first place, to maintain all existing rights. We preserve the rights of lords of manors, we preserve all the rights of commoners, and we set up no new right. We do not propose in any way to prevent inclosures being made under this Bill. We think the same opportunity should be afforded to lords of manors and others under this Bill as they have enjoyed hitherto for making inclosures. We say, if lords and commoners are satisfied with the existing state of things, we are content to leave them entirely untouched by law. But we say, if they are unsatisfied with the existing state of things, and if they want to come to Parliament to obtain a remedy, we do not think it unreasonable that in the interests of the public, the health of the people, and on general sanitary grounds, some arrangement should be made with them which may add to the comfort and enjoyment of the poorer classes. We give, therefore, to the urban sanitary authority a right to appear before the Inclosure Commissioners, and we give them the power to undertake the management of commons. We also allow them to contribute out of local funds, as the subject concerns the health of the people. We wish that every possible facility shall be given to all parties who may be affected in any way by a proposed inclosure or regulation of a common. In the first place, the parties who seek to have alterations made are to apply, in the first instance, to the Inclosure Commissioners, and if the Inclosure Commissioners think that a *primâ facie* case has been made out for complying with the request, they may send down assistant-commissioners to investigate the case upon the spot. Every care is taken that due notice shall be given in order that all parties interested may have an opportunity of stating their case for or against the proposal, and after the assistant-commissioners have so taken evidence upon the spot they will report to the Inclosure Commissioners, who will weigh the evidence thus brought before them, and if the Inclosure Commissioners think that the proposal ought to be made the subject of a provisional order, and subsequently be included in an Act of Parliament, they will certify that to Parliament. It is proposed that this provisional order shall undergo the investigation of a select committee, which might be appointed at the commencement of every session for the purpose of dealing with these matters. In fact, we propose that the inclosure and regulation of commons should be dealt with exactly in the same way as turnpikes are now dealt with in the other House of Parliament. From the experience of the manner in which that system has worked, we think it would work equally well and beneficially in dealing with the inclosure and regulation of commons.—The Bill was read a second time.

Elementary Education Provisional Order Confirmation (Cardiff).

This Bill passed through committee.

St. Vincent, &c., Constitution.

This Bill was read a second time.

Metropolitan Improvements (Whitechapel and Limehouse).

This Bill was read a third time and passed.

HOUSE OF COMMONS.

June 30.—Irish Parliament.

Mr. Butt moved for a select committee to inquire into the nature and extent of the grounds of the demand on the part of the Irish people for the restoration of an Irish Parliament.—On a division the motion was rejected by 291 to 61.

July 3.—Prisons.

This Bill was read a second time, on a division, by 295 to 96.

Customs Duties.

This Bill passed through committee.

Customs Laws Consolidation.

This Bill passed through committee.

Free Libraries and Museums.

This Bill was withdrawn.

Elver Fishing.

This Bill passed through committee.

Bankers' Books Evidence.

This Bill was considered, and some further amendments were made in it.

Notices to Quit (Ireland).

This Bill passed through committee *pro formâ*.

July 4.—Public Works Loans.

On the order for going into committee on this Bill, Mr. Fawcett moved "That in the opinion of this House an unduly large proportion of the charges involved in the payment of the interest and capital of the loans which are raised by local authorities falls upon the occupiers as distinguished from the owners of land, houses, and rateable property."—The amendment was withdrawn, and the House went into committee on the Bill.—Some amendments were introduced.

APPELLATE JURISDICTION.

On the order for going into committee on this Bill, a debate arose which was eventually adjourned.

SMITHFIELD PRISON (DUBLIN).

The Lords' amendments to this Bill were agreed to.

KINGSTOWN HARBOUR.

The Lords' amendments to this Bill were agreed to.

TRADE-MARKS REGISTRATION AMENDMENT.

This Bill was read a second time.

MEDICAL ACT (QUALIFICATIONS).

The House went into committee *pro forma* on this Bill, in order that certain amendments might be introduced.

PARLIAMENTARY AND MUNICIPAL REGISTRATION (BOROUGHS).

The House also went *pro forma* into committee on this Bill, in order to introduce certain amendments.

July 5.—ORPHAN AND DESERTED CHILDREN (IRELAND).

Mr. O'SHAUGHNESSY, in moving the second reading of this Bill, stated that its object was to extend the age up to which boards of guardians in Ireland may board out the workhouse orphan and deserted children coming under their care. The 25 & 26 Vict. c. 83, s. 9, enabled boards of guardians to board out such children till they had attained the age of five years. Subsequently the limit was fixed at ten years, and this Bill would extend it to the age of thirteen.—The Bill was read a second time.

MEDICAL ACT AMENDMENT (FOREIGN UNIVERSITIES).

This Bill was withdrawn.

INCREASE OF THE EPISCOPATE.

This Bill was withdrawn.

PROTECTION TO GROWING CROPS.

Sir A. GORDON moved the second reading of this Bill, but the debate stood adjourned.

CONVICTED CHILDREN.

This Bill was withdrawn.

MEDICAL PRACTITIONERS.

This Bill was read a third time.

LEGAL PRACTITIONERS (IRELAND).

This Bill was read a second time.

July 6.—UNIVERSITY OF CAMBRIDGE.

Mr. WALPOLE, in moving the second reading of this Bill, said that, with the exception of some very minute particulars in matters of detail, it was identical with the University of Oxford Bill. In explaining the object of both measures he said that the present income of the University of Oxford was £30,000 a year, and that of the colleges and halls £307,000. The income of the University of Cambridge was £24,000; that of the colleges, £264,000. The prospective increase of income of the University of Oxford was £2,000 a year; that of the colleges and halls was estimated by the commissioners at £96,000 a year. The prospective increase of the income of Cambridge University was set down as *nil*; that of the colleges of Cambridge was estimated at about £34,000 a year. Thus it would be seen that the same disproportion between the revenues of the university and of the colleges existed at Oxford as at Cambridge, though the university income at Oxford, both present and prospective, was much larger than that of Cambridge, and the needs of the University of Cambridge, therefore, were proportionately greater than the needs of the University of Oxford. Upon the prospective increase of college revenue at both places much depended, because this was an accruing income which might be reasonably applied in a different manner from that of the present revenue. The main question, of course, was whether the finances of the two universities being what they were, it was reasonable that something should be contributed out of the collegiate funds to that which was for the common benefit of the university and the colleges. Everything turned upon the answer to this question, though the principle at issue was really decided by the University Acts of 1854 and 1856. The colleges were parts of the universities, and had the same or similar interests. The relation of the colleges to the universities and of the universities to the colleges must be, if they were both to thrive, a relation of mutual assistance. What seemed to be the solution of the main difficulty which might arise was the appointment of some external power, some external authority, to arbitrate between those corporations, so as to induce them to contribute what was thought to be necessary for the common good. This was provided by the Bills. It would be said, no doubt, Why not leave the universities and colleges to do that of themselves, and not force it upon them? The answer was obvious: Unless you had some external authority to do it the thing would not be done, because without external authority you would not be able to settle the amount in just proportions which the colleges should contribute. Now under the Bill this difficulty would be overcome. Several colleges had in their statutes at this moment a provision by which they undertook to contribute five per cent. of their income towards university purposes; but this provision was on condition that all the other colleges should do the like. The consequence was that this provision remained a dead letter; it never had been acted upon, and without some external authority he believed it could not be acted upon.—Sir C. DILKE moved "That, in view of the large legislative powers intrusted to the University of Cambridge Commissioners by this Bill, this House is of opinion that the Bill does not sufficiently declare or define the principles and scope of the changes which such commissioners are empowered to make in that university and the colleges therein."—Ultimately the amendment was withdrawn, and the Bill was read a second time.

PUBLIC WORKS LOANS.

This Bill was re-committed and passed through committee.

TRADE-MARKS REGISTRATION AMENDMENT.

This Bill passed through committee.

PROVISIONAL ORDERS (IRELAND) CONFIRMATION.

This Bill was read a second time.

ELEMENTARY EDUCATION PROVISIONAL ORDERS CONFIRMATION (HAILSHAM).

This Bill was read a second time.

ELEMENTARY EDUCATION PROVISIONAL ORDER (HORNSEY).

This Bill was read a second time.

TRAMWAYS ORDERS CONFIRNATION (BRISTOL, &c.).

This Bill passed throug h committee.

MARITIME CONTRACTS.

This Bill was withdrawn.

TURNPIKE ACTS CONTINUANCE, &c.

This Bill was read a second time.

PENSIONS COMMUTATION ACTS AMENDMENT.

This Bill was read a second time.

BANKERS' BOOKS EVIDENCE.

This Bill was read a third time.

NOTICES TO QUIT (IRELAND).

This Bill passed through committee.

Courts.

JUDGES' CHAMBERS.

(Before POLLOCK, B.)

July 4.—*Harrison* v. *Howard and wife.*

Writ of summons—Bills of Exchange Act—Married woman—Separate estate—Judicature Acts.

The summary remedy under the Bills of Exchange Act is not available against a married woman for the purpose of charging her separate estate.

This was an action commenced by writ of summons issued under the provisions of the Bills of Exchange Act for the recovery of a sum due on a joint and several promissory note of husband and wife given during coverture. The writ was indorsed in the form prescribed by the Act, and did not claim anything but the debt. Plaintiff delivered statement of claim, and exhibited interrogatories for the examination of the wife, who had obtained an order for leave to defend separately. The statement of claim asked for payment of the debt out of the separate

estate of the wife, and expressly disclaimed any relief against the husband, and the interrogatories asked for particulars of the separate estate.

Doyle (solicitor for the wife), now applied (on appeal from Master Kaye) for an order setting aside the writ and all subsequent proceedings, or for the interrogatories to be struck out. He cited ord. 2, r. 6; *Pollock* v. *Campbell*, 24 W. R. 320; *Oshse* v. *Redfern*, *ante*, p. 560; *Butterworth* v. *Tee and wife*, *ante*, p. 178; and contended that the writ would not lie against the separate estate of a married woman, whose trustee must be brought before the court, and the writ could not include him because he was no party to the promissory note.

Chitty, for the plaintiff, argued that the relief against the separate estate was ancillary to the recovery of the debt, and that there could be no objection to the trustee being made a party.

POLLOCK, B., decided that the procedure under the Bills of Exchange Act was not applicable to the recovery of judgment in any case where, before the passing of the Judicature Acts, it was inapplicable, and set aside all proceedings subsequent to issue of the writ.

COUNTY COURTS.

BARNSLEY.

(Before Mr. Serjeant TINDAL ATKINSON, Judge.)

June 15.—*The Thorp's Gawber Hall Collieries Company (Limited)* v. *Torry and Sharp.*

Jurisdiction—Part of cause of action—Letter containing order for goods.

His HONOUR, in giving judgment in this case, said:—This is an action brought to recover the sum of £37 12s. 4d., the balance of a larger sum, for coals supplied by the plaintiffs to the defendants in August and September, 1875. At the hearing of the case Mr. Hall, the solicitor for the defendants, objected that the plaint should have been taken out in the county court of Lincolnshire, the order for the coals having been given at Brigg, in that county, and the delivery having also been made there, and, that being so, I had no jurisdiction to try the cause. The facts, so far as they are necessary for the decision of this objection, are that on the 10th of August, 1875, the defendants wrote to the plaintiffs, inquiring what the rate would be for 1,000 tons of coals, and requesting that a sample truck load should be sent. On the 16th of the same month they again wrote that they would most likely require 300 tons if the plaintiffs would agree to supply them of a certain description—namely, "Willow Bank House," 9s. at the pit, the price delivered (including wagon hire) not to exceed 13s. 10d. a ton. On the 17th, in reply to this letter, the plaintiffs telegraphed, "Will accept 9s. at the pit"; and on the same day sent a letter by post in which they said, "Our wire, 300 tons, Willow Bank, 9s. pit. We trust you will be able to place at above low figure; carriage is 3s. 10d.; wagon hire we cannot say less than 1s." On the 18th—up to this time there having been no binding contract of sale—the defendants wrote to the plaintiffs, saying, "Please book 300 tons, commence delivery at once, to Barton-on-Humber Station. Price as agreed on, 9s., 3s. 10d. rate, 1s. wagon hire"; and on the 15th of September a further order was sent for four wagon loads, at 9s. 5d., to be sent to Market Rasen. Before the passing of the County Court Amendment Act (30 & 31 Vict. c. 142), s. 1, in order to enable the plaintiff, who had obtained leave to sue in the district in which the cause of action accrued, it was held, in order to give the court jurisdiction, that the whole cause of action must have arisen within the district. This has now been extended by the above-recited Act to cases in which the cause of action or suit wholly or in part arose. It becomes requisite, therefore, to see whether, from the facts before me, the whole or any material part of the cause of this particular action arose within my jurisdiction. The defendants' letters of the 18th of August and the 15th of September are distinct orders for the coals, the subject of this inquiry; and the case of *Newcombe* v. *De Roos*, 8 W. R. 5, appears to me decisive in favour of my jurisdiction. The mere writing and posting the letters containing the orders by the defendants at Brigg are no part of the cause of action. There is really no request until the letters are received and the orders accepted. In the case cited, in answer to an argument of the learned counsel in the case, that a letter when posted becomes the property of the person to whom it is addressed, and cannot be recalled, Cockburn, C.J., said, "That is merely because the regulations of the Post-office will not allow of its recall. The sender of the order might recall or cancel the order by any other means before it reaches its destination. The posting the letter makes the postmaster the sender's agent to deliver it at Stamford, and for the present purpose the order by post is the same thing as if the defendant had sent down an agent to Stamford to contract verbally with the plaintiff there." According to this decision, the defendants' orders sent from Brigg to the plaintiffs are the same as if they had been made personally by the defendants or by their agents at Barnsley, and, therefore, a material part of the cause of action has arisen within the jurisdiction of this court. That an order for goods forms a material part of a cause of action has received a judicial decision, by the Court of Common Pleas, in *Gold* v. *Turner*, 23 W. R. 732, Brett, J., who at first hesitated, saying, in his judgment, that the fact that the order having included the price removed any doubt from his mind, and that the order formed a material part of the cause of action. There are various decisions and authorities in favour of this view, and without discussing whether there was a delivery of the coals within the district which would be sufficient to give jurisdiction, I have come to the conclusion that Mr. Hall's objection cannot be upheld, and that the cause must proceed. Costs to be costs in the cause.

Dibb, for plaintiffs.
Hall, for defendants.

THE APPELLATE JURISDICTION BILL.

IN speaking on the Appellate Jurisdiction Bill in the House of Commons on Tuesday last, Sir Henry James said that our judicial system had come to a dead-lock. It was clear that we did not at present possess suitable machinery for the speedy administration of justice, and therefore it was necessary that those who had practical knowledge of the subject should lend their aid in improving the system. An opportunity for doing this was afforded by the introduction of the present Bill, and he felt certain the Government would carefully consider any suggestion which might be made. Under this Bill a serious question arose as to the constitution of the intermediate court of appeal. For his own part he should have preferred one court instead of two courts of appeal, but the House had already given its decision on that point, and therefore it would be useless for him to argue it. In his opinion the intermediate court of appeal had proved to be very inefficient, although the right hon. gentleman at the head of the Government had argued that that court had satisfactorily discharged its duties. The inefficiency of the court was due first to the want of numerical strength, and, secondly, to the want of personal direction. There was no member of this tribunal, with the exception, perhaps, of Lord Justice Mellish, who had been a practising member of the common law bar, and, therefore, the authority of the court was the less respected when they overruled common law judgments. Under the 14th section of the present Bill provision was made to strengthen that court by adding two permanent and fixed judges, who, however, were not to be appointed until the death or resignation of certain members of the Judicial Committee of the Privy Council. The appointment of the new judges ought not, in his opinion, to be deferred until that contingency occurred. He had consulted with many of his learned friends, and he believed that his views would meet with considerable, if not entire, concurrence from the legal members of the House. The remedy he ventured to propose might at first sight appear to be of a somewhat dangerous description. He thought that permanent and fixed judges should sit in the Court of Appeal, as great inconvenience arose from a judge sitting as a primary judge one day and as an appellate judge the next. He suggested that two members of the bench in the common

law divisions of the Supreme Court of Justice should be taken from the primary court and transferred to the appellate court as permanent and fixed judges. It would be necessary for her Majesty's judges to apply themselves to this work, not according to old precedents, but according to the necessities of the time. It would never do to allow our courts at *Nisi Prius* to be less than six in number, but many cases which were now argued before three judges sitting *in Banco* might well be disposed of by one. This would secure a great saving of time and economy of judicial power, and he might observe that this course had always been pursued in chancery. By this arrangement we might have two divisions of the appellate court always sitting. He would also allow one judge to take special cases or the crown paper. Three judges might be allotted for sitting at chambers and at the Central Criminal Court. By this means we should have sufficient numerical strength on the judicial bench, and justice would be better administered than at present.

Court Papers.

CHANCERY DIVISION.

FORMS OF JUDGMENT BY DEFAULT.

I.—Default of Appearance and Defence in Claim for Debt or Liquidated Demand not being under the Bills of Exchange Act.

In the High Court of Justice,
Chancery Division.
M.R. *or* V.C.
Mr. , Registrar.

The defendants [*or* the defendant C.D.] not having appeared to the writ of summons [*or* not having delivered any statement of defence], it is this day adjudged that the plaintiff recover against the defendants [*or* the said defendant] £ , and costs to be taxed.

II.—Default of Appearance in Action under the Bills of Exchange Act.

In the High Court of Justice,
Chancery Division.
M.R. *or* V.C.
Mr. , Registrar.

A.B. having sued out a writ against C.D., indorsed as follows:—

[Here copy indorsement of plaintiff's claim]

and the said C.D. not having appeared:

Therefore it is considered that the said A.B. recover against the said C.D., £ , together with £ for costs of suit.

III.—Default of Appearance in Action for Recovery of Land.

In the High Court of Justice,
Chancery Division.
M.R. *or* V.C.
Mr. , Registrar.

No appearance having been entered to the writ of summons herein, it is this day adjudged that the plaintiff recover possession of the land in the said writ mentioned.

IV.—Default of Defence in Action for Recovery of Land.

In the High Court of Justice,
Chancery Division.
M.R. *or* V.C.
Mr. , Registrar.

No statement of defence having been delivered herein, it is this day adjudged that the plaintiff recover possession of the land in the writ of summons mentioned, with his costs to be taxed.

V.—Default of Appearance in Claim for Detention of Goods Damages, Mesne Profits, or Arrears of Rent.

In the High Court of Justice,
Chancery Division.
M.R. *or* V.C.
Mr. , Registrar.

No appearance having been entered to the writ of summons herein, it is this day adjudged that the plaintiff do recover damages to be assessed.

VI.—Default of Pleading.

In the High Court of Justice,
Chancery Division.
M.R. *or* V.C.
Mr. , Registrar.

No statement of defence having been delivered herein [by the defendant C.D.], it is this day adjudged that the plaintiff do recover [against the defendant C.D.] damages to be assessed.

VII.—Final Judgment after Order obtained by Plaintiff for Liberty to sign Judgment.

In the High Court of Justice,
Chancery Division.
M.R. *or* V.C.
Mr. , Registrar.

The defendant having appeared to the writ of summons herein, and the plaintiff having on the day of obtained an order under ord. 14, r. 1, of the Rules of the Supreme Court, it is this day adjudged that the plaintiff recover against the defendant £ and costs to be taxed.

VIII.—Judgment in Default of Appearance or Defence after Assessment of Damages, &c.

In the High Court of Justice,
Chancery Division.
M.R. *or* V.C.
Mr. , Registrar.

The defendants not having appeared to the writ of summons herein (or not having delivered a statement of defence), and a writ of inquiry, dated, &c., having been issued directed to the sheriff of to assess the damages which the plaintiff was entitled to recover, and the said sheriff having by his return, dated, &c., returned (or such damages, &c., having by direction of the judge been ascertained at chambers, and it appearing by the chief clerk's certificate) [or if any other method has been adopted state it] that the said damages, &c., have been assessed (or ascertained) at £ , it is this day adjudged that the plaintiff recover £ , and costs to be taxed.

Chancery Registrars' Office, June 23.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Court of Appeal.	Master of the Rolls.
Monday, July 10	Mr. Farrer	Mr. Teesdale
Tuesday 11	King	Ward
Wednesday .. 12	Holdship	Teesdale
Thursday 13	King	Ward
Friday 14	Farrer	Ward
Saturday 15	Holdship	Teesdale

	V. C. Malins.	V. C. Bacon.	V. C. Hall.
Monday, July 10	Mr. Pemberton	Mr. Merivale	Mr. Leach
Tuesday 11	Clowes	Milne	Latham
Wednesday .. 12	Pemberton	Merivale	Leach
Thursday 13	Clowes	Milne	Latham
Friday 14	Pemberton	Merivale	Leach
Saturday 15	Clowes	Milne	Latham

PUBLIC COMPANIES.

July 7, 1876.

GOVERNMENT FUNDS.

3 per Cent. Consols, 93¾
Ditto for Account, Aug 3, 93¾
Do 3 per Cent. Reduced, 94
New 3 per Cents., 94
Do. 3½ per Cent., Jan. '94
Do. 2½ per Cent., Jan. '94
Do. 5 per Cent., Jan. '73
Annuities, Jan. '80 —
Annuities, April, '85, 9¾
Do. (Red Sea T.) Aug. 1908
Ex Bills, £1000, 2½ per Ct. 13 pm.
Ditto, £500, Do, 13 pm.
Ditto, £100 & £200, 13 pm.
Bank of England Stock, — per Ct. (last half-year), 230
Ditto for Account.

INDIAN GOVERNMENT SECURITIES.

Ditto 5 per Cent., July, '80, 103½
Ditto for Account, —
Ditto 4 per Cent., Oct. '88, 103½
Ditto, ditto, Certificates —
Ditto Enfaced Ppr., 4 per Cent. '79
2nd Enf. Pr., 5 per C., Jan. '73
Ditto, 5½ per Cnt., May, '79, 81
Ditto Debentures, 4 per Cents., April, '84
Do. Do., 5 per Cent., Aug. '73
Do. Bonds, 4 per Cent. £1000
Ditto, ditto, under £1000

RAILWAY STOCK.

	Railways.	Paid.	Closing Prices
Stock	Bristol and Exeter	100	140
Stock	Caledonian	100	116
Stock	Glasgow and South-Western	100	97
Stock	Great Eastern Ordinary Stock	100	40⅜
Stock	Great Northern	100	129½
Stock	Do., A Stock*	100	134½
Stock	Great Southern and Western of Ireland	100	—
Stock	Great Western—Original	100	105
Stock	Lancashire and Yorkshire	100	131½
Stock	London, Brighton, and South Coast	100	113⅝
Stock	London, Chatham, and Dover	100	22
Stock	London and North-Western	100	144½
Stock	London and South Western	100	126
Stock	Manchester, Sheffield, and Lincoln	100	64½
Stock	Metropolitan	100	102½
Stock	Do., District	100	45⅝
Stock	Midland	100	130½
Stock	North British	100	89½
Stock	North Eastern	100	157⅛
Stock	North London	100	129
Stock	North Staffordshire	100	62
Stock	South Devon	100	65
Stock	South-Eastern	100	127½

* A receives no dividend until 6 per cent. has been paid to B.

MONEY MARKET AND CITY INTELLIGENCE.

The Bank directors have made no alteration in the Bank rate this week. The proportion of reserve to liabilities is 52¾ per cent. The foreign market has been in a state of stagnation, with hardly any business doing, and prices are much the same as last week. Home railways are all firmer, and show a rise of from one to two per cent. all round, except North British, which show a decline of 2 for the week. Consols close at 93¾ to 93⅞ for money and account.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

LAMAISON—June 29, at The Waldrons, Croydon, the wife of William E. Lamaison, barrister-at-law, of a son.

OWLES—June 29, at Beckenham, the wife of Eustace William Owles, of a daughter.

MARRIAGE.

TAAFFE—YEARSLEY—July 4, at the parish church, Brighton, Richard John Taaffe, of Lincoln's-inn, barrister-at-law, eldest son of Dr. Taaffe, medical officer of health of Brighton, to Jane, eldest daughter of the late John Yearsley.

DEATH.

KING—June 29, at Basingstoke, Richard Henry King, solicitor, aged 63.

LONDON GAZETTES.

Professional Partnerships Dissolved.

FRIDAY, June 30, 1876.

Redhead, John A., and C. Frederick Emmett, 13, Southampton st, Middlesex, solicitors. June 28

TUESDAY, July 4, 1876.

Holt, Eardley Wilmot B., and Charles C. Parr, 28, Charles st, St James' square, Middlesex, Solicitors. July 1

Carlyon, Edward Trewbody, and John Richards Paull, Truro, Cornwall, solicitors. July 1

Winding up of Joint Stock Companies.

FRIDAY, June 30, 1876.

UNLIMITED IN CHANCERY.

Hadlaw Railway Company.—Creditors are required, on or before July 28, to send their names and addresses, and the particulars of their debts or claims, to Henry Kimber, Lombard st. Friday, Aug 4, at 12, is appointed for hearing and adjudicating upon the debts and claims.

LIMITED IN CHANCERY.

Basye Consolidated Silver Mining Company, Limited.—V.C. Hall has, by an order dated June 15, appointed Alfred Good, Poultry, to be provisional official liquidator.

Bradford Coal Company, Limited.—Petition for winding up, presented May 31, directed to be heard before the M.R. on Saturday, July 8. Talbot and Tasker, Bedford row, solicitors for the petitioner.

Jamaica Graving Dock Company, Limited.—Petition for winding up, presented June 27, directed to be heard before the M.R. on July 8. Gedge and Co, Old Palace yard, Westminster, solicitors for the petitioner.

Universal Fire Insurance Company, Limited.—By an order made by V.C. Hall, dated June 20, it was ordered that the above company be wound up. Morten and Cutler, Newgate st, solicitors for the petitioners.

TUESDAY, July 4, 1876.

UNLIMITED IN CHANCERY.

Hadlow Railway Company.—V.C. Malins has, by an order dated June 23, appointed Henry Kimber, Lombard st, to be official liquidator.

LIMITED IN CHANCERY.

City United Club, Limited.—Petition for winding up, presented June 29, directed to be heard before V.C. Malins on Friday, July 14. Ashwin, Garden court, Temple, solicitor for the petitioner.

Langley Mill Steel Iron Works Company, Limited.—By an order made by V.C. Hall, dated June 23, it was ordered that the voluntary winding up of the above company be continued. Mercer and Co, Copthall court, solicitors for the petitioners.

Sheffield Laundry Company, Limited.—Petition for winding up, presented June 30, directed to be heard before V.C. Bacon on Saturday, July 15. Torr and Co, Bedford row, agents for Wells and Hind, Nottingham, solicitors for the petitioners.

Friendly Societies Dissolved.

TUESDAY, July 4, 1876.

Bawtry Friendly Society, Bawtry, York. June 1

Martlesham New Friendly Society, Martlesham, Suffolk. July 1

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, June 30, 1876.

Bagot, Alexander, Lady Cross Lodge, nr Brokenhurst, Hants, Colonel E I Co's Service Nov 2. Aubin v Bagot, M.R. Few, Surrey st, Strand

Bellett, Elizabeth, Napier rd, Kensington. July 28. Bellett v Chester, M.R. Chester, Addison rd, Kensington

Caswell, Samuel, Balsall Heath, Worcester, Gent. July 29. Millward v Millington, M.R. Bloxham, Birmingham

Dames, Charles Richard, Osborn st, Whitechapel, Sugar Refiner. July 31. Hewett v Dames. V.C. Hall. Henderson, Fenchurch st

Powell, James, Hereford, Innkeeper. July 28. Edwards v Griffiths, M.R. Fortune, Serjeants' inn, Chancery lane

Firth, James, Farnley, Huddersfield, York, Gent. July 26. Wrigley v Dyson, V.C. Hall. Mills, Huddersfield

Gibson, Walter White, Upper Thames st, Clerk. July 13. Hankey v Mann, V.C. Hall. Parry, Clement's inn, Strand

Harding, James Graham, Albany st, Regent's park, Gent. July 25. Ward v Harding, M.R. Jull, Queen Anne's gate, Westminster

Horrocks, John, Preston, Lancashire, Esq. July 25. Wilson v Brown, V.C. Malins. Dickson, Preston

Knight, William Henry, Wandsworth rd. July 26. Knight v Attorney-General, V.C. Bacon. Knight, Farnham

Mullett, William, Burton-on-the-Wolds, Leicester, Gent. July 25. Mullett v Mullett, V.C. Hall. Bright, Nottingham

Pratt, James, Thundersley, Essex Farmer. July 25. Vandervord v Mayn, V.C., Malins. Gregson, Rochford

Towgood, Edith, Brookland villas, Battersea Rise. July 25. Towgood v Towgood, M.R. Smith, Throgmorton st

Williams, Hugh, Pare Glas, Anglesey, Retired Shopkeeper. July 25. Prichard v Williams, M.R. Prichard, Llwydiarth Escob

Walpole, Frederick, Rainthorpe Hall, Flordon, Norfolk. July 25. Rix v Walpole, V.C. Malins. Bignold, Norwich

Whitwell, John, Ainderby Quernhow, York, Gent. July 24. Barker v Newcombe, V.C. Bacon. Calvert, Masham

Bankrupts.

FRIDAY, June 30, 1876.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Collins, William, Curtain rd, Shoreditch, Cabinet Maker. Pet June 27. Hazlitt. June 19 at 11

Woolf, Albert Lewis, Edgware rd, Jeweller. Pet June 27. Hazlitt. July 11 at 12.30

To Surrender in the Country.

Cottrell, Timothy, Bath, Somerset, Licensed Victualler. Pet June 26. Smith. Bath, July 11 at 11

Evans, John Roach, Cardiff, Glamorgan, Builder. Pet June 21. Langley. Cardiff, July 8 at 11

Jagger, James, and Adam Jagger, Horbury, York, Colliery Proprietors. Pet June 28. Mason. Wakefield, July 13 at 3

Stoddart, John Jackson, Cockermouth, Cumberland, Shoe Maker. Pet June 28. Waugh. Cockermouth, July 17 at 3

TUESDAY, July 4, 1876.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Cashin, Thomas Frederick, Gresham House, Old Broad st, Civil Engineer. Pet June 29. Murray. July 26 at 11

Davy, William Adams, Pembridge crescent, Notting hill. Pet June 28. Spring-Rice. July 18 at 11

Hunter, John Douglas, and William John Nunn, Argyle st, Regent st, Tailors. Pet June 29. Murray. July 26 at 12

Smith, George, Great Bath st, Clerkenwell, Cab Proprietor. Pet June 30. Keene. July 21 at 11

To Surrender in the Country.

Brown, Francis Charles, Clifton, Bristol, Boot Maker. Pet June 28. Harley. Bristol, July 21 at 12

Drake, Joseph, jun, Bradford, York, Builder. Pet June 30. Robinson. Bradford, July 18 at 9

Urch, Frederick, Bristol, Jam Manufacturer. Pet June 29. Harley. Bristol, July 19 at 2

Ward, Richard Rowlatt, Drayton, Leicester, Farmer. Pet June 29. Ingram. Leicester, July 17 at 12

BANKRUPTCIES ANNULLED.

FRIDAY, June 30, 1876.

Seale, Rev Edward Taylor, Morleigh, Devon. June 15

Simmonds, John Samuel, Mincing lane, Metal Broker. June 27

Tindale, Michael Francis, Portland place, Commercial rd, Stepney, Auctioneer. June 19

TUESDAY, July 4, 1876.

Justice, John, Sturton, Nottingham, Farmer. June 30

Liquidation by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, June 30, 1876.

Adams, James, Handsworth, Stafford, Photographer. July 13 at 10.15 at offices of Jaques, Cherry st, Birmingham

Allen, John, Wakefield, York, Maltster. July 13 at 11 at the Royal Hotel, Wood st, Wakefield. Wainwright, Wakefield

Asher, Asher, Newcastle-upon-Tyne, Travelling Jeweller. July 10 at 11 at offices of Turner, Collingwood st, Newcastle-upon-Tyne

Bicknell, Frederick, Bognor, Sussex, Lapidary. July 18 at 2 at the Guildhall Coffee House, Gresham st. Janman, Chichester

Blenkinsopp, John, Darlington, Durham, out of business. July 11 at 1 at offices of Robinson, Houndgate, Darlington

Bradley, Richard, South Normanton, Derby, Collier. July 17 at 11 at offices of Cutts, Low pavement, Chesterfield

Broad, Abigail, Wimboldsley, Cheshire, Publican. July 15 at 2 at the Guardian Office, Market st, Crewe. Bygott, Middlewich

Burrows, Thomas, Widnes, Lancashire, Provision Dealer. July 14 at 2 at offices of Mather, Commerce court, Liverpool. Barrow and Cook, St Helen's

Campobello, Enrico, Southport, Lancashire, Operatic Manager. July 8 at offices of Wright and Abrahams, High Holborn, in lieu of the place originally named

Chamberlain, John, New Clee, Lincoln, Fish Curer. July 19 at 11 at offices of Mason, Victoria st south, Great Grimsby

Chamberlain, Lemuel, and George Bent Headley, Leicester, Shoe Manufacturers. July 17 at 12 at offices of Wright, Belvoir st, Leicester

Clark, James, Morton-upon-Swale, York, Butcher. July 14 at 11 at the King's Arms Hotel, Northallerton. Milburn, Bedale

Collings, Jonathan, Old Shildon, Durham, Draper. July 11 at 2.30 at offices of Slader, Newgate st, Bishop Auckland

Corby, William Benjamin, Northampton, Draper. July 11 at 3 at offices of Becke, Market square, Northampton

Coupe, William, Manchester, Rag Merchant. July 14 at 2 at offices of Phillips, Pall mall, Manchester

Crain, William, jun, Burnley, Lancashire, Beerhouse Keeper. July 18 at 3 at offices of Nowell, Hargreaves st, Burnley

Crosland, Henry, Huddersfield, York, Yarn Spinner. July 19 at 3 at offices of Ramsden and Sykes, John William st, Huddersfield

Crowe, Alexander, and Robert Crowe, St Helen's place, Merchants. July 13 at 12 at offices of Wilson and Co, Copthall buildings

Davies, George, Birmingham, Builder. July 15 at 11 at offices of Jaques, Cherry st, Birmingham

Dee, Thomas, Twyning, Gloucester, Farmer. July 10 at 11 at offices of Moores and Romney, Tewkesbury

Ellis, William, Cardiff, Glamorgan, Wine Merchant. July 12 at 2 at offices of Barnard and Co, Albion chambers, Bristol. Williams, Cardiff

Eyre, William Henry, Liverpool, Draper. July 17 at 12 at 114, Cheapside. Barrell and Rodway, Lord st, Liverpool

Gill, John Laurence, Loughborough, Leicester, Coal Merchant. July 17 at 1 at the Commercial Sale Room, Wardwick, Derby. Hextall, Derby

Ginzler, Gustavus, York mews, York rd, City rd, Tin Plate Worker. July 18 at 3 at offices of Wood and Hare, Basinghall st

Gleadhill, George, Middlesborough, York, Builder. July 8 at 3 at offices of Gibson and Wilkinson, Athenæum chambers, Middlesborough. Peacock, Middlesborough

Gleave, Samuel, Great Budworth, Cheshire, Grocer. July 8 at 11 at the Unicorn Hotel, Market st, Altrincham. Green and Dixon, Northwich

Gould, Joseph, Newport, Monmouth, Gas Engineer. July 13 at 2 at the Inns of Court Hotel, High Holborn. Leslie, Conduit st

Green, Richard Angell, Strand, Jeweller. July 22 at 10.30 at offices of Roberts, Coleman st

Hall, Richard Samuel, Lambeth walk, Oilman. July 10 at 3 at offices of Hicklin and Washington, Trinity square, Southwark

Harris, Henry Braham, Leckhampton, Gloucester, Grocer. July 17 at 11 at offices of Clark, High st, Cheltenham

Harris, William Charles Newland, and John Savage, Birmingham, Factors. July 11 at 11 at offices of Webb and Spencer, Bennett's hill, Birmingham

Harrison, William Henry, Newton heath, nr Manchester, Joiner. July 17 at 3 at offices of Addleshaw and Warburton, King st, Manchester

Hart, James, Birmingham, Draper. July 14 at 11 at offices of Rowland, Ann st, Birmingham

Heness, Henry, Cornwall rd, Loughborough rd, Brixton, Livery Stable Keeper. July 11 at 3 at offices of Roberts, King William st

Horton, Alfred, Coventry, Furniture Dealer. July 13 at 12 at 27, Trinity churchyard, Coventry. Minster

Hudson, William Gunniman, Monkwell st, Commission Agent. July 10 at 3 at the Masons' Hall, Masons' avenue, Coleman st. Gregory, Barbican

Jackson, Henry, Middlesborough, York, Merchant Tailor. July 12 at 12 at Abbott's Railway Hotel, York. Peacock, Middlesborough

James, Benjamin, Deni, Glamorgan, Grocer. July 14 at 1 at offices of Simons and Plews, Church st, Merthyr Tydfil

John, Morgan, Penygraig, Glamorgan, Grocer. July 14 at 3 at offices of Thomas, Church st, Pontypridd

Jones, Thomas, Swansea, out of business. July 13 at 3 at offices of Smith and Co, Somerset place, Swansea

Kirkbank, Amelia Louisa, Hart st, Mark lane, Perfumer. July 13 at 2 at offices of Preston, Mark lane

Lamb, Edwin, Heckmondwike, York, Grocer. July 14 at 3 at offices of Ibberson, Bank buildings, Heckmondwike

Leach, George, Wilsden, Bradford, York, Draper. July 12 at 11 at offices of Cross and Cox, Wellington chambers, Westgate, Bradford

Lewis, John, Cardiff, Grocer. July 18 at 11 at offices of Morgan, High st, Cardiff

Liddington, Octavius, West Bromwich, Stafford, Maltster. July 12 at 11 at offices of Topham, High st, West Bromwich

Litton, Gervase, Manchester, Organ Builder. July 14 at 3 at offices of Barling and Blades, Town Hall buildings, King st, Manchester

Lloyd, David, Heolfach, Glamorgan, Grocer. July 13 at 12.30 at the New Inn Hotel, Pontypridd. Howells

Lobley, John, Northallerton, York, Timber Merchant. July 21 at 3 at office of Waistell, Northallerton

Lyons, Elias, Hutchinson st, Houndsditch, Grocer. July 18 at 3 at offices of Fass, Queen st, Cheapside

Marsh, William Thomas, Randwick, Gloucester, out of business. July 12 at 4 at offices of Jackson, London rd, Stroud

Marshall, Richard, Gateshead, Durham, Provision Merchant. July 13 at 2 at offices of Wallace, Hutton chambers, Pilgrim st, Newcastle-upon-Tyne

McRae, James William, Newcastle-upon-Tyne, Timber Merchant. July 13 at 2 at offices of Joels, Newgate st, Newcastle-upon-Tyne

Meller, John George, Disley, Cheshire, Provision Dealer. July 20 at 4 at offices of Best, Lower King st, Manchester

Merritt, Alfred Stephen, Birmingham, Upholsterer. July 15 at 10.15 at offices of Ward, Moor st, Birmingham

Millson, Barnes, Manchester, Beer Retailer. July 10 at 3 at offices of Law, King st, Manchester

Newman, John, Worcester, Baker. July 14 at 3 at offices of Corbett, Avenue House, The Cross, Worcester

Nightingale, James, Bilbrook Codsall, Stafford, Carpenter. July 21 at 3 at offices of Beesley, Washington buildings, Queen st, Wolverhampton. Ward, Wolverhampton

Nightingale, Rev Robert Cubitt, Tewkesbury, Gloucester. July 13 at 11 at offices of Moores and Romney, Tewkesbury

Oliver, George, Nottingham, Bleacher. July 14 at 3 at offices of Belk, Middle pavement, Nottingham

Ormston, William Binks, and Thomas Ormston, Bolton, Lancashire, Engineers. July 10 at 4 at offices of Scowcroft, Town Hall square, Bolton

Page, John, New st, Vauxhall st, Cab Proprietor. July 10 at 10 at 18, Southampton st, Strand. Goatly, Bow st

Palmer, Amelia, Neath, Glamorgan, Grocer. July 10 at 11 at offices of Davies, Alma place, Neath

Palmer, Richard, Devonport, Devon, Dairyman. July 11 at 12 at offices of Sole and Gill, St Aubyn st, Devonport

Pelling, John, jun, Cloudesley rd, Islington, Builder. July 18 at 2 at offices of Broughton, Finsbury square

Pratt, Thomas, Lingdale, York, Boot Dealer. July 13 at 11 at offices of Hudson and Pybus, Dovecot st, Stockton-on-Tees. Buchannan

Pugh, William Richard, Aberdare, Glamorgan, Draper. July 13 at 1 at offices of Linton, Canon st, Aberdare

Ray, Alexander, Preston, Lancashire, Grocer. July 14 at 1 at offices of Blackhurst, Fox st, Preston

Reynolds, Edward, Norwich, Corn Chandler. July 14 at 1 at offices of Abbott, Lincoln's inn fields. Tillett, Norwich

Roberts, James, Laugharne, Carmarthen, Master Mariner. July 8 at 11 at offices of Evans, Queen st, Carmarthen

Robertson, Robert, Barrow-in-Furness, Lancashire, Corn Dealer. July 12 at 2 at offices of Taylor, Strand, Barrow-in-Furness

Rombach, George, Aberdare, Glamorgan, Watch Maker. July 14 at 11 at offices of Phillips, Maendy place, Aberdare

Round, Samuel, Hay Green, Worcester, Tailor. July 8 at 11 at offices of Wall, Union chambers, Sicurbridge

Shillaker, Henry, Helpstone, Northampton, Grocer. July 13 at 11 at the Wentworth Hotel, Peterborough. Law, Stamford

Southern, William, Bolton, Lancashire, Greengrocer. July 12 at 3 at offices of Scowcroft, Town Hall square, Bolton

Standfield, John Edwin, and John Hill Crosse, Exeter, Devon, Coach Builders. July 14 at 12.30 at the London Hotel, Exeter. Budge, Crewkerne

Stratton, Arthur Cook, Redditch, Worcester, Draper. July 14 at 12.30 at offices of Beckingham, Albion chambers, Broad st, Bristol

Sutcliffe, Edward West, Bolton, Lancashire, Chemist. July 18 at 3 at offices of Ryley and Haslam, Mawdsley st, Bolton

Thompson, Joseph, Liverpool, Shipowner. July 13 at 2 at offices of Holt, Union court, Castle st, Liverpool

Toner, Edward, Liverpool, Ship's Steward. July 12 at 2 at offices of Connor, Ranelagh st, Liverpool

Wagg, Joseph, Wellington, Salop, Painter. July 14 at 12 at offices of Marcy and Sons, Wellington

Ward, James Tollitt, Coleman st, Commission Agent. July 10 at 11 at offices of Grellier, Bermondsey st. Charles, Gracechurch st

Weir, James, Liverpool, Provision Merchant. July 13 at 3 at offices of Barrell and Rodway, Lord st, Liverpool

Whiteside, George, Swansea, Glamorgan, Shipwright. July 19 at 11 at offices of Thomas, Rutland st, Swansea

Wilde, Frederick John, John st, Commercial rd, Lambeth, Lamp Glass Manufacturer. July 17 at 2 at offices of Cotton, Coleman st

Wilde, George, St John's st, Clerkenwell, Corn Chandler. July 7 at 2 at offices of Angell and Imbert-Terry, Gresham st, Bank

Williams, George, Cheltenham, Gloucester, Builder. July 18 at 11 at offices of Clark, High st, Cheltenham

Wood, Samuel, Barrow-in-Furness, Lancashire, Architect. July 13 at 2 at Sharp's Hotel, Strand, Barrow-in-Furness. Taylor, Barrow-in-Furness

Woosnam, Richard, sen, Wrexham, Denbigh, Grocer. July 13 at 1 at offices of Sherratt, Regent st, Wrexham

TUESDAY, July 4, 1876.

Arblaster, Henry John, Hanley, Stafford, Licensed Victualler. July 20. at 11 at the American Hotel, Waterloo rd, Burslem. Ashmall, Hanley

Barrett, Robert Maynard, Bicester, Oxford, Sacking Manufacturer. July 20 at 3 at offices of Berridge, Duke st, Manchester square

Bates, Samuel, Halifax, York, Tailor. July 17 at 11 at offices of Leeming, George st, Halifax

Blake, Robert Alfred, Liverpool, Butcher. July 15 at 4.30 at 188, Derby rd, Bootle, Liverpool. Knowles, Liverpool

Bradshaw, John, Hanley, Merchant. July 12 at 4 at offices of Turner Bagnall st, Newcastle-under-Lyme

Brasner, Francis, Sheffield, Tailor. July 15 at 11 at offices of Turner, Queen st, Sheffield

Brown, John Basford, Towcester, Northampton, Plumber. July 13 at 12 at offices of Walker, Market square, Northampton

Bryant, Francis, Yeovil, Somerset, Fish Salesman. July 19 at 12 at offices of Dommett, Gutter lane, Cheapside. Glyde, Yeovil

Buckley, James, Hanley, Stafford, Tailor. July 13 at 11 at the Copeland Arms Inn, Stoke-upon-Trent. Shires, Leicester

Burtiss, Henry, Buralem, Stafford, Hay Dealer. July 14 at 11 at the Royal Hotel, Crewe. Shires, Leicester

Carter, William, Sunderland, Durham, Outfitter. July 18 at 2 at the Queen Hotel, Wellington st, Leeds. Botterell, Sunderland

Cohen, Barnett, Hutchinson's avenue, Tailor. July 11 at 4 at offices of Ogle, Great Prescott st

Coppock, John George, and Thomas Sullivan, Cardiff, Merchants. July 18 at 4 at offices of Barnard and Co, Crockherbtown, Cardiff. Ingledew and Co, Cardiff

Correll, Edwin, Hanley, Stafford, Watch Maker. July 14 at 12 at the Midland Hotel, Birmingham. Shires, Leicester

Cross, William, Norwich, Butcher. July 17 at 3 at offices of Sadd and Linay, Theatre st, Norwich

Crosse, John Hill, Exmouth, Devon, Coach Builder. July 14 at 2 at the London Hotel, Exeter. Budge, Crewkerne

Cruickshanks, Alexander, Newcastle-upon-Tyne, Soap Manufacturer. July 14 at 11.30 at offices of Harle, Akenside hill, Newcastle-upon-Tyne

Davies, Isaac Lewis, Swansea, Glamorgan, Draper. July 17 at 3 at offices of Thomas, Rutland st, Swansea

Dunkerley, Samuel, Pontaranlais, Carmarthen, Boot Maker. July 16 at 1.30 at offices of Howell, Stepney st, Llanelly

Edwards, John, Henry Edwards, and James Edwards, Nottingham, Lace Manufacturers. July 19 at 12 at offices of Wells and Hind, Fletchergate, Nottingham

Eslick, Stephen Joseph, Aberdare, Glamorgan, Upholsterer. July 20 at 2 at offices of Alexander, St Mary st, Cardiff. Richards, Aberdare

Etherington, James, Castleford, York, Baker. July 17 at 11 at offices of Horner, King st, Wakefield

Fawkes, Edward Joseph, Frome, Somerset, Grocer. July 17 at 3 at the Grand Hotel, Broad st, Bristol. Dunn and Payne, Frome

Fearnside, Joshua, and Eli Fearnside, Netherton, York, Farmers. July 20 at 3 at offices of Watts and Son, Church st, Dewsbury

Fearnside, Joshua, and Thomas Etchells, Huddersfield, York, Woollen Manufacturers. July 18 at 4 at offices of Learoyd, Buxton rd, Huddersfield. Watts and Son, Dewsbury

Field, Henry, Luton, Bedford, Straw Hat Manufacturer. July 14 at 2 at the Queen's Hotel, Chapel st, Luton. Hicks, Coleman et

Fox, George, Hyde, Cheshire, Tailor. July 18 at 3 at offices of Hughes Old square, Ashton-under-Lyne. Reddish, Glossop

Freeman, Mary Ann, and John Tom Freeman, Reading, Berks, Plumbers. July 8 at 11 at offices of Dodd, Friar st, Reading

Fullwood, Frederick John, Birmingham, Milliner. July 17 at 3 at offices of Maher and Poncia, Temple st, Birmingham

Grills, George, Totnes, Devon, Timber Merchant. July 18 at 12 at offices of Brian, Freemasons' Hall, Cornwall st, Plymouth

Halliday, David, Leeds, Boot Manufacturer. July 17 at 11 at offices of Rooke and Midgely, White Horse st, Boar lane, Leeds

Hanley, Robert, Manchester, Tailor. July 19 at 3 at offices of Burton, King st, Manchester

Hardcastle, William, Armley, nr Leeds, Joiner. July 13 at 3 at offices of Hopps and Bedford, Bank st, Leeds

Harris, Lazarus, Manchester, Jeweller. July 14 at 11.30 at offices of Nuttall and Son, John Dalton st, Manchester

Harris, William Charles Newland, Birmingham, Factor. July 15 at 12 at offices of Webb and Spencer, Bennett's hill, Birmingham

Hawke, Richard Fream, Montpelier rd, Peckham, Retired Naval Accountant in H.M.'s Civil Service. July 18 at 3 at offices of Woollacott and Leonard, Gracechurch st

Hind, Reuben, and Abram Goodwin, Manchester, Joiners. July 14 at 3 at offices of Shippey, Cooper st, Manchester

Hole, William John, Calstock, Cornwall, Grocer. July 15 at 1 at offices of Bridgman, Princess square, Plymouth

Holloway, Henry, Bushey Heath, Herts, Baker. July 14 at 3 at offices of Goatly, Cambridge terrace, Hyde park

Honess, Henry, Cromwell (and not Cornwall, as erroneously printed in last Gazette) rd, Loughborough rd, Brixton, Livery Stable Keeper. July 11 at 3 at offices of Roberts, King William st

Hope, George, York, Coal Dealer. July 17 at 1 at offices of Wilkinson, St Helen's square, York

Horton, James Edwin, Batley, York, Timber Merchant. July 13 at 3 at offices of Shaw, Bond st, Dewsbury

Howlett, William, Norwich, Shoe Manufacturer's Assistant. July 15 at 1 at offices of Tillett, Castle meadow, Norwich

Hudson, Thomas, New Hadley, Salop, Publican. July 18 at 12 at offices of Bidlake, Wellington

Hughes, William Samuel, Swansea, Glamorgan, Ironmonger. July 15 at 1 at offices of Parsons, Nicholas st, Bristol. Thomas, Swansea

Jones, Thomas Pugh, Welchpool, Montgomery, Chemist. July 26 at 11 at offices of Jones, Severn st, Welchpool

Kersh, Israel, Manchester, Clothier. July 19 at 3 at offices of Rideal, Brazennose st, Manchester

Laland, Adrena, Benwell, Northumberland, and John Lake, Washington, Durham, Joiners. July 14 at 11 at offices of Pybus, Dean st, Newcastle-upon-Tyne

Langford, Edward George, Manchester, Milliner. July 25 at 4 at offices of Best, Lower King st, Manchester

Lee, William Francis, Finchley rd, Kennington park, Grocer's Assistant. July 11 at 3 at 1, George st, Mansion House. Snell

Lewis, Margaret, Ystalyfera, Swansea Valley, Glamorgan, Tailor. July 19 at offices of Collins, jun, Broad st, Bristol, in lieu of the place originally named

Lowe, Samuel, Leeds, Flock Merchant. July 14 at 3 at 65, Albion st, Leeds. Snowdon

Lumsden, Aaron, Newcastle-upon-Tyne, Blacksmith. July 14 at 2 at offices of Pybus, Dean st, Newcastle-upon-Tyne

Manning, Charles, Manor place, Walworth, Solicitor's Clerk. July 22 at 10 at 6, Southampton buildings, Chancery lane. Howard

Marston, Thomas, Burslem, Stafford, Watch Maker. July 12 at 1 at the Castle Hotel, Coventry. Horner, West Orchard, Coventry

Massingham, Rev John Deacon, Burslem, Stafford. July 14 at 11 at offices of Sutton, Hill Top, Burslem

Matthews, Joseph Henry, Harrogate, York, Licensed Victualler. July 14 at 1 at offices of Crowther and Co, Britannia buildings, Oxford place, Leeds. Watson, York

Matthews, Walter, Manchester, Smallware Dealer. July 21 at 3 at offices of Atkinson and Co, Norfolk st, Manchester

Maylin, Richard, Upper Thames st, Tea Dealer. July 14 at 2 at offices of Linklater and Co, Walbrook

Meyrick, Thomas Joseph, Leeds, Linen Draper. July 12 at 11 at offices of Rooke and Midgley, White Horse st, Boar lane, Leeds

Miles, George, Derby, Auctioneer. July 18 at 2 at offices of Flint, Full st, Derby

Miller, Joseph, Newcastle-upon-Tyne, Boot Dealer. July 19 at 2 at offices of Josis, Newgate st, Newcastle-upon-Tyne

Mullins, James, Walsall, Stafford, Draper. July 18 at 11 at offices of Glover, Park st, Walsall

Newton, Eliza, Ramsay, Huntingdon, Farmer. July 19 at 2 at offices of Watts and Son, High st, Ramsay

Phillips, Thomas, and George Sheath, Birmingham, Merchants. July 14 at 12 at the White Horse Hotel, Congreve st, Birmingham. Edwards

Read, Alfred, Larkhall lane, Clapham, Draper. July 19 at 12 at offices of Lovering and Co, Gresham st. Clarkes and Co, Gresham House, Old Broad st

Rogers, Henry Alfred, Bristol, Cabinet Maker. July 13 at 3 at offices of Fussell and Co, Bristol

Rugless, James, Wells st, Hackney, Outfitter. July 13 at 3 at offices of Barnett, New Broad st

Rutty, John Clark, Atherstone, Warwick, Draper. July 14 at 2 at offices of Power and Armishaw, Atherstone

Savage, John, Birmingham, Factor. July 18 at 11 at offices of Webb and Spencer, Bennett's hill, Birmingham

Smith, George, Stratford-upon-Avon, Warwick, Market Gardener. July 17 at 11 at the Seven Stars Inn, Rother st, Stratford-upon-Avon. Greves, Stratford-upon-Avon

Smith, John, Bacup, Lancashire, out of business. July 14 at 3 at offices of Ashworth, Yorkshire st, Rochdale

Smith, Richard Cossum, Norfolk terrace, Bayswater, Linen Draper. July 19 at 12 at offices of Mole, Walbrook

Smith, William, Avenue rd, Camberwell, Baker. July 17 at 12 at offices of Hoppe and Bayle, Sun court, Cornhill

Steers, William, Sandiacre, Derby, Railway Wagon Builder. July 17 at 3 at offices of Briggs, Amen alley, Derby

Stirling, Alexander, Dudley, Worcester, no occupation. July 22 at 10.30 at offices of Warmington, Castle st, Dudley

Stockall, Eliza, Cooke's Cross, Salop, out of business. July 14 at 3 at the Squirrel Inn, Alverley. Saunders, jun, Kidderminster

Storey, James, Dewsbury, York, Auctioneer. July 21 at 3 at offices of Ibbersen, Dewsbury

Summerfield, John, and Richard Henry Constantine, Birmingham, Ironfounders. July 14 at 3 at offices of Rooke, Colmore row, Birmingham

Taylor, Andrew, Redcar, York, Innkeeper. July 10 at 3 at offices of Addenbrooke, Zetland rd, Middlesborough

Thomas, Alfred, Brindley st, New cross, Builder. July 18 at 2 at 3, Bishopsgate st without. Waittington

Thomas, Frederick, Leamington, Warwick, Fancy Stationer. July 18 at 2 at offices of Hamlin, Staple inn, Holborn

Toe, William David, London st, Greenwich, China Dealer. July 14 at 11 at offices of Gamble and Harvey, Gresham buildings, Basinghall st. Lockyer

Turner, Dance Mason, Aldeburgh, Suffolk, Hairdresser. July 14 (and not June, as erroneously printed in Gazette of June 23), at 2 at the White Lion Hotel, Aldeburgh. Pollard, Ipswich

Walker, Henry, Leeds, Commission Agent. July 21 at 2 at offices of Bond and Barwick, Albion place, Leeds. Craven and Sunderland, Huddersfield

Waters, Elisha, Southport, Lancashire, Tobacconist. July 20 at 3 at offices of Barker, London st, Southport

Wheeler, Joseph, jun, Bankside, Southwark, Stone Merchant. July 18 at 1 at the Guildhall Tavern, Gresham st. Rooks and Co, King st, Cheapside

Williams, Robert Barrow, Dolgelly, Merioneth, Draper. July 17 at 11 at offices of Jones and Davies, Dolgelly

Wooding, William, Mare st, Hackney, Builder. July 18 at 3 at offices of Christmas, Walbrook

Woodward, George, Watledge, Gloucester, Carpenter. July 20 at 3 at offices of Witchell, Lansdown, Stroud